
(2022) 05 KL CK 0197

In the High Court Of Kerala

Case No : Writ Petition (C) No. 6854 Of 2022

Velu Chamy

APPELLANT

Vs

Secretary To Government

RESPONDENT

Date of Decision : 31-05-2022

Acts Referred:

Citation : (2022) 05 KL CK 0197

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : M.P.Madhavankutty, Mathew Devassi, Ananthakrishnan A. Kartha, V.Abraham Markos, Abraham Joseph Markos, Isaac Thomas, P.G.Chandapillai Abraham, Alexander Joseph Markos, Sharad Joseph Kodanthara, Deepa Narayanan, Arun Thomas

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. The above writ petition is filed with following prayers :

"i. To issue a writ of Mandamus or any other order or direction to respondents 3,9, 10 and 11 to take appropriate action to demolish the rooms which were illegally constructed, without obtaining the required sanctions from the authority.

ii. To issue a writ of Mandamus or any other order or direction to the 8th respondent to restrain from supplying electricity to the rooms occupied by respondents 4 to 7 which were constructed without proper building permit and building number." [SIC]

2. It is the case of the petitioners that the 2nd respondent rented out three rooms to respondent Nos.4 to 7 and the rooms are constructed without obtaining NOC from the revenue officials. It is also the case of the petitioners that without building permits and without complying other legal requirements, the rooms are constructed. Aggrieved by the same, this writ petition is filed.

3. Heard the learned counsel for the petitioners and the learned counsel appearing for the Panchayat. I also heard the learned counsel appearing for the 8th respondent and the learned Government Pleader.

4. The main prayer in the writ petition is to issue direction to respondent Nos. 3, 9, 10 and 11 to take appropriate action to demolish the room, which according to the petitioners is constructed illegally, without obtaining the required sanction from the authority. This is a matter to be considered by the competent authority among the respondents after giving opportunity of hearing to the petitioners, the Panchayat and other affected parties. The petitioners can submit a representation narrating the grievance raised in this writ petition before the 9th respondent and the 9th respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioners, the respondent Nos.2 and 3, and other affected parties.

Therefore, this writ petition is disposed of with the following directions :

1. The petitioners are free to file a representation narrating the grievance raised in this writ petition before the 9th respondent within two weeks from the date of receipt of a copy of this judgment.
2. Once such a representation is received, the 9th respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioners, the respondent Nos.2 and 3, and other affected parties as expeditiously as possible, at any rate, within three months from the date of receipt of the representation.