



GOVERNMENT OF KERALA
Abstract

Local Self Government Department – Common Judgment of the Hon'ble High Court dated 16.07.2018 in W.P. (C) Nos. 14707/18 & 17820/18 - complied with - Orders issued.

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No.32/2019/LSGD.

Dated, Thiruvananthapuram, 05/01/2019.

Read: - Judgment of the Hon'ble High Court dated 16.07.2018 in W.P.(C) Nos. 14707/18 & 17820/18.

ORDER

The Hon'ble High Court of Kerala in its judgment dated 16.07.2018 in W.P. (C) No.14707/18 filed by Sri. V.M. Abraham and another directed the Government to consider Ext.P5 regularization application in W.P.(C) No.17820/18 filed by Sri.Radhakrishnan. W.P. No.14707/18 was filed seeking direction against the respondents for not taking action against the illegal construction made by the petitioner in W.P.(C) No.17820/18. W.P.(C) No.17820/18 was filed seeking an order against the Pirayiri Grama Panchayat for not considering his Ext.P5 regularisation application. As both the cases are materially connected in respect of a construction, the Hon'ble High Court pronounced common judgment.

2) The Hon'ble High Court, while pronouncing its judgment, observed that Ext.P5 is a statutory application submitted by the petitioner in accordance with the provisions of Panchayat Raj Act, which has not attained finality so far. Hence directed the Government to consider Ext.P5.

3) Ext.P5 is an application submitted by Sri.Radhakrishnan.V, the petitioner in W.P.(C) No.17820/18, before the Secretary, Pirayiri Grama Panchayat for getting his unauthorised construction regularised, which is pending and being processed in the above said Panchayat.

4) Government heard the petitioner in W.P.(C) No.17820/18 and the respondent Panchayat along with Senior Town Planner, Palakkad on 31.12.2018. The petitioner in W.P.(C) No.14707/18 had not turned up for hearing. At the time of hearing the Secretary of the Grama Panchayat informed the Government that in the light of the judgment the Ext.P5 application is being processed in that office and will be disposed of within the Time Limit prescribed by the Hon'ble High Court.

5) As the Ext.P5 application is pending in the office of the Pirayiri Grama Panchayat and Government is not a respondent in W.P.(C) No.17820/18,

Government hereby directed the Secretary, Pirayiri Grama Panchayat to consider the Ext.P5 request within the Time Limit prescribed by the Hon'ble High Court.

Judgment of the Hon'ble High Court is thus complied with.

(By Order of the Governor)
ANILKUMAR. G
Under Secretary to Government

To

- 1) Shri. Radhakrishnan,
Kizhakke Veedu, Ayyappankavu, Pirayiri, Palakkad.
- 2) Sri. V.M. Prabhakaran
Prateeksha Nagar Resident's Association,
Pirayiri Chungam, Pirayiri P.O., Palakkad – 678 004.
- 3) Sri. K. Venugopalan
Prateeksha Nagar Resident's Association,
Pirayiri Chungam, Pirayiri P.O., Palakkad – 678 004.
- 4) The Advocate General, Ernakulam. (with C/L)
- 5) The Secretary, Pirayiri Grama Panchayat
- 6) The Chief Town Planner, Thiruvananthapuram
- 7) The Senior Town Planner, Palakkad
- 8) The Executive Director, Information Kerala Mission, Thiruvananthapuram.
(for publishing this order in website)
- 9) Stock File/ Office Copy.

Forwarded/By Order


Section Officer

