



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgment dated 10/01/2019 of the Hon'ble High Court of Kerala in W.P. (C) No.39438/2018 filed by National Builders – Court direction complied with - Orders issued.

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No.551/2019/LSGD.

Dated, Thiruvananthapuram, 07.03.2019.

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- Read: - 1) Judgment dated 10/01/2019 in W.P.(C) No.39438/2018 of High Court filed by National Builders, Palarivattom P.O. Ernakulam.
2) Letter No.C2/1702/19 dated 02/03/2019 of Secretary, Cheranalloor Grama Panchayat.

ORDER

W.P.(C) No.39438/2018 was filed by National Builders, a partnership firm who is the absolute owner in possession and enjoyment of an extent of 20.24 Ares of property comprised in resurvey numbers 110/2 and 110/25 of Cheranalloor Village, Kanayannur Taluk, Ernakulam District. Petitioner obtained Building permit from the 1st respondent, ie Secretary, Cheranalloor Grama Panchayat for construction of basement + Ground + 15 Floors. While construction was going on, 2nd respondent., Secretary, Cheranalloor Grama Panchayat issued Exts.P4 Stop Memo to stop the construction works, assigning the reason that the water level in the nearby wells are affected due to the pits taken in the property and also that the pilling had affected certain building situated in the locality. Petitioner challenged the same before the 5th respondent, the Tribunal for Local Self Government Institutions, Thiruvananthapuram by filing the appeal specified along with an application for stay. The 5th respondent granted stay for a period of one month and extended till 30.4.2018 and after that did not extend the stay on the ground that the petitioner has not obtained development permit. Against this the petitioner filed this W.P.(C) seeking to quash Ext.P4 and P8 Stop Memos issued by the 1st respondent and Ext.P7 Order passed by the 5th respondent.

2) The Hon'ble High Court of Kerala as per judgment read as 1st paper above, directed the additional 6th respondent, ie Additional Chief Secretary, Local Self Government Department to appoint a Technical Expert Committee in accordance with the request said to be made by the Cheranalloor Grama Panchayat, and in accordance with sub-rule (13) of Rule 12 of Kerala Panchayat Building Rules 2011, at the earliest possible time, and at any rate, within a month from the date of receipt of copy of the judgment. The said Expert Committee shall look into the complaint filed by the party respondent and arrive at a conclusion in accordance with law as is provided under sub-rule (9) to (12) of Rule 12 and any attendant provisions.

3) Government have examined the matter in detail and are pleased to constitute a Panchayat level Technical Expert Committee as suggested by Secretary, Cheranalloor Grama Panchayat in the letter read as 2nd paper above, with the following members in accordance with sub-rule (13) of Rule 12 of Kerala Panchayat Building Rules.

- 1) Smt. Mallika V.R., Secretary, Cheranalloor Grama Panchayat - Convenor
- 2) Smt. Rachael Benjamin V., Assistant Engineer, LSGD
- 3) Smt. Sukanya O.S., Registered Engineer- A,
under Department of Urban Affairs
- 4) Sri. P.A. George Varghese, Registered Supervisor-A,
under Department of Urban Affairs

The Committee shall assess the damage, suggest protective measure and fix the compensation within 3 weeks and Secretary, Cheranalloor Grama Panchayat, will take further action in accordance with law, as is provided under sub-rule (9) to (12) of Rule 12 of Kerala Panchayat Building Rules

- 4) The Judgment of the Hon'ble High Court read above, is thus complied with.

(By Order of the Governor)
SABITHA S.D.

Deputy Secretary to Government

Sri. M.C. Sunny, Managing Partner, National Builders, Sunny Estate, Mamangalam,
Palarivattom P.O., Ernakulam -682025.

The Advocate General, Ernakulam. (with C/L)

The Secretary, Cheranalloor Grama Panchayat,

The Registrar, The Tribunal for Local Self Government Institutions,
Thiruvananthapuram 695 001.

The Chief Town Planner, Thiruvananthapuram

The Senior Town Planner, Ernakulam

The Executive Director, Information Kerala Mission, Thiruvananthapuram.

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Section Officer