

BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P(C) No. 9514 / 2022

Ramachandran.K.

:

Petitioner

Vs.

Arimpur Grama Panchayath & Others : Respondents

**ADDITIONAL COUNTER AFFIDAVIT FILED BY 1st AND
2nd RESPONDENTS**

I, Reny Paul, Aged-53 years, W/o Denny Joseph.E.J.,
Edakkalathur House, Kuttur.P.O., Thrissur District, PIN-
680013, do hereby solemnly affirm and state as follows:

1. I am the Secretary of Arimbur Grama Panchayat and the
2nd respondent in the Writ Petition. I am conversant with the
facts of the case as revealed from the relevant records. I
swear this additional counter affidavit for an on behalf of the
1st respondent also.

2. These respondents had earlier filed a Counter affidavit
in the Writ Petition on 08/06/2022. However this Hon'ble
Court vide order dated 20/05/2024 had directed these
respondents to file an additional affidavit. Therefore this



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additional counter affidavit may be treated as part and continuation of the counter affidavit dated 08/06/2022 filed by these respondents.

3. It may be noted that I had taken charge as Secretary of Arimpur Grama Panchayat with effect from 03/10/2022 and from the beginning onwards I had scrupulously verified all the pending cases of Arimpur Grama Panchayat and its present status. In fact the Counter affidavit was filed by my pre-decessor in this writ petition, I had contacted our Standing Counsel and had provided all the requisite details so as to ensure that the Interim order dated 16/03/2022 is vacated at the earliest. Thereafter upon my instruction, twice urgent memo was filed in the matter as I.A.No.01/2024 and I.A.No.02/2024. Therefore it is evident that I as well as my predecessors had taken all earnest efforts in the matter.

4. It is submitted that from 01/04/2012 till 02/10/2022, during different periods, various officials were holding the post of Secretary and during various periods certain officials were also holding In-Charge duty of the Secretary. It may be noted that for regularizing the said unauthorized marriage hall named as Sree Bhadra marriage hall which is having



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more than 1000 m², the Namborkavu Devaswom had submitted an application to these respondents on 09/07/2013. The Assistant Engineer had conducted site inspection based on the above application and had submitted a report indicating a list of defects and a letter was given on 03/08/2013 to the President and Secretary, Namborkavu Devaswom informing the said defects and had also informed to resubmit the application after curing the said defects.

5. On 09/10/2013, the application was resubmitted by the Namborkavu Devaswom. On the resubmitted application, the Assistant Engineer of the Engineering Section of the Panchayat had inspected the said building and as the violations of K.P.B.R rules were still existing, Ext.P-1 letter was issued by the 2nd respondent to the President/Secretary of Namborkavu Devaswom demanding demolition of the alterations made to the Oottupura within 30 days on receipt of Ext.P-1. On 28/5/2014, the Senior Superintendent, Panchayat Performance Audit-3, Kolazhi had given a report (Ext.P2) to Panchayat Deputy director stating that the said Auditorium can be regularized based on the decision No.316(2)/13 dated 23/11/2013 of Arimbur Panchayat. The



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report was given based on the letter vide G-2-381/14 given by Panchayat Deputy director on 18/01/2014 for a report on the above decision by the Panchayat to the Senior Superintendent, Panchayat Performance Audit-3, Kolazhi.

6. On 03/06/2014, based on the letter vide G-2-381/14 from the Deputy Director of Panchayat, Thrissur, the Secretary, LSGD (RB) have directed to regularize the building under Section 134, vide Letter No.78852/RB2/13 dated 10/09/2014, if the petitioner obtains recognition of layout from Chief Town Planner, Fire NOC and are also complying the KPB rules. Based on this letter from the Secretary, LSGD (RB), the Panchayat Secretary have informed the same to the applicant vide letter No.A3/4205/13 dated 26/09/2014 to submit the new application incorporating all the requirements as mentioned above.

7. On 24/03/2015, the Namborkavu Devaswom have resubmitted application for regularizing the building to the Panchayat. On this application on 26/03/2015, a resolution was passed vide No.150/15 and the committee had unanimously decided to apply before Chief town planner for



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recognizing the layout and apply to the Fire & rescue services for issuing NOC.

8. It is Submitted that on 01/06/2015, the District Town Planner, Thrissur had issued Ext.R1(a) letter to this respondent stating that as there are defects in the plans and as there are violations in the main provisions of KPBR rules, 2011, the said building cannot be regularized by the Panchayath_Secretary as per Sec.134 and had also informed that the lay out cannot be recognized. It may be noted that on 27/06/2015, the President Namborkavu Devaswom have again submitted an application. The same was again rejected by the District town planner vide Letter No.C1/1986/2015 LDS dated 18/08/2015 based on the defects and once again informed this respondent about the same also and had instructed to resubmit the same as per G.O No 150/2014/LSGD dated 21/08/2014.

9. It is submitted that on 05/10/2015, after rectifying the defects, Mr.Krishnankutty.K., have re-submitted the application. On this application, an inspection was conducted by LSGD Asst. Engineer and on his report dated 11/11/2015, a letter was given to Mr. Krishnankutty.K. vide No.A3-



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6799/15 dated 11/11/2015. As per the same, it was informed that a difference is found out by Assistant Engineer, LSGD while inspecting the site from the plan submitted and also informed him that the further steps on the resubmitted application can be taken only after rectifying the above discrepancies. On 21/01/2016, the Secretary, Namborkavu Devaswom have again submitted the application and the same was again inspected by the Assistant Engineer, Engineering Section of LSGD and it is again reported that there exists defects. On the basis of this report, the Secretary, Arimbur Panchayat had again given a letter dated 22/02/2016 to the Secretary, Namborkavu Devaswom informing the same.

10. On 29/07/2016, this respondent had again given a letter to Mr. Krishnankutty.K. vide No.A3-6799/15 dated 29/07/2016, informing that there exists no difference from the plan and site inspection and it was also informed that K.P.B.R. is not being complied. It was also informed that on the perusal of the application and associated documents submitted, it is found that the documents indicating the possession of the landed property and the tax receipt from the



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village are not submitted along with the application. Moreover it was informed that there are differences found in the survey numbers as per the details submitted. It is further informed to Mr. Krishnankutty to resubmit an application within 15 days from the receipt of this letter after rectifying the defects.

11. On 09/07/2018, a reminder letter No.A3-6799/15 was sent from the office of this respondent to rectify the defects and to resubmit the application for regularizing the building (Sreebhadra Auditorium). Even though the said letter was given, no efforts were initiated from the part of the petitioner to rectify the defects. Although the said building (Sreebhadra auditorium) is not regularized, marriage and receptions are still ongoing for all these years.

12. It is submitted numerous notices were issued by these respondents against the unauthorized construction effected by the petitioner. However one after another, the petitioner was protracting and making delay for payment by raising untenable reasons.



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13. It is further submitted that in compliance to the interim order dated 20/05/2024, the petitioner has remitted the tax amount of Rs.16,57,469/- on 06/06/2024 for the period from 2018-2019 to 2024-2025. True copy of the receipt dated 06/06/2024 showing the payment of the property tax is produced herewith and marked as Exhibit- R1(b).

Hence, considering the above facts and circumstances of the case, this Hon'ble Court may be pleased to dismiss this writ petition. Otherwise these respondents would be put to irreparable injury, inconvenience and loss.

All the facts stated above are true.

Dated this the 10th day of June 2024.



Deponent

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Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 10th day of June 2024 in my office at Ernakulam.

G. SANTHOSH KUMAR,
Advocate

