



2024/KER/13261

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE V.G.ARUN

MONDAY, THE 26TH DAY OF FEBRUARY 2024 / 7TH PHALGUNA, 1945

WP(C) NO. 23364 OF 2023

PETITIONER/S:

NASEEMA K.V
AGED 56 YEARS
W/O ABDUL SALIM, KARUPPANVEETIL, KALLADIKODE,
KARIMBA - II, PALAKKAD, KERALA, PIN - 678596
BY ADVS.
SHABU SREEDHARAN
S.DHEERENDRAKUMAR

RESPONDENT/S:

- 1 THE SECRETARY
KONGAD GRAMA PANCHAYAT, KONGAD P.O., PALAKKAD,
KERALA, PIN - 678631
- 2 THE KONGAD GRAMA PANCHAYAT REPRESENTED BY ITS
SECRETARY
KONGAD P.O., PALAKKAD, KERALA, PIN - 678631
- 3 SASIKUMAR
KRISHNAMRUTHAM, KONGAD VILLAGE, PALAKKAD,
KERALA, PIN - 678631
- 4 SHANTI
KRISHNAMRUTHAM, KONGAD VILLAGE, PALAKKAD,
KERALA, PIN - 678631
BY ADV V.A.Johnson (Varikkappallil) V A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26.02.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

Dated this the 26th day of February, 2024

Petitioner along with another person are the owners in possession and enjoyment of the property covered by Ext.P1 document. The petitioner constructed a building in the property on the strength of Ext.P4. Finding that sufficient setback is not provided in the eastern portion of the building, the Panchayat refused to issue occupancy certificate. Thereupon, the petitioner obtained consent from the neighbouring property owners on the eastern side and submitted an application for regularisation. This writ petition is filed alleging that the Panchayat is not considering the application, in spite of the neighbours' consent.

2. When the matter is taken up for consideration, learned Counsel for the Panchayat



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submitted that the minimum distance required on the sides of a building is 1.5 metres and even with the consent of the neighbouring property owner, the distance can be reduced only by 20%. In the petitioner's case, even with 20% concession, the distance is not satisfied and therefore, the request for regularisation was referred to the District Adalat. The District Adalat also found it impossible to decide the regularisation application. Hence, it is for the petitioner to make appropriate application seeking regularisation before the State Level Adalat.

In view of the abvoe submission, the writ petition is disposed of by permitting the petitioner to move appropriate application before the State Level Adalat and directing the State Level Adalat to take expeditious decision thereon, if the application is filed within one month. If the petitioner is aggrieved by the



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decision taken by the State Level Adalat, he can
approach this Court again.

Sd/-

V.G.ARUN
JUDGE

Scl/



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APPENDIX OF WP(C) 23364/2023

PETITIONER EXHIBITS

- Exhibit-P1 A TRUE COPY OF THE DEED NO. 755 / 2020
DATED 19/03/2020, OF S.R.O.,
KADAMPAZHIPPURAM
- Exhibit-P2 A TRUE COPY OF THE LAND TAX RECEIPT
DATED 14/06/2023, ISSUED BY THE KONGAD
- II, VILLAGE OFFICE
- Exhibit-P3 A TRUE COPY OF THE POWER OF ATTORNEY
DATED 17/08/2020 EXECUTED BY SHRI.
AZEES,
- Exhibit-P4 A TRUE COPY OF THE APPENDIX B2 / SITE
APPROVAL & BUILDING PERMIT DATED
06/07/2020, ISSUED BY THE KONGAD GRAMA
PANCHAYATH
- Exhibit-P5 A TRUE COPY OF THE PHOTOGRAPH, OF THE
BUILDING NAMED AF PLAZA,
- Exhibit-P6 A TRUE COPY OF THE NO-OBJECTION LETTER
DATED 30/09/2021
- Exhibit-P7 A TRUE COPY OF THE REPRESENTATION
DATED 01/10/2021, FILED BEFORE THE 1ST
RESPONDENT