

Kerala High Court

John.S.Paul vs The Thrikkakara Grama Panchayath on 28 January, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No. 3016 of 2008(H)

1. JOHN.S.PAUL, S/O. LATE J.W.PAUL ,  
... Petitioner

Vs

1. THE THRIKKAKARA GRAMA PANCHAYATH,  
... Respondent

2. THE SECRETARY (SPECIAL GRADE),

3. SEENATH BEEVI, AGED ABOUT 50 YEARS,

For Petitioner :SRI.JOBY JACOB PULICKEKUDY

For Respondent : No Appearance

The Hon'ble MR. Justice THOTTATHIL B.RADHAKRISHNAN

Dated :28/01/2008

O R D E R

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P(C) No. 3016 OF 2008  
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Dated this the 28th day of January, 2008

JUDGMENT

Having regard to the directions being issued hereunder, notices to the respondents are dispensed with preserving their right to move for review of this judgment, if so aggrieved.

2. The impugned Ext.P6 does not show that any prior opportunity to show case was issued to the petitioner. It also does not contain any allegation that the petitioner has violated any building permit or any approved plan. It is also shown that there are disputes between the parties.

Under such circumstances, this writ petition is disposed of directing that Ext.P6 shall be treated as a show cause notice, to which the petitioner will file reply within a period of four weeks from now and if such reply is given, the same shall be decided upon after hearing the petitioner and the third respondent. If the decision is against the interest of either of them, the second respondent shall pass an order showing reasons because the parties can then pursue remedies under the Panchayat Raj Act. Until a decision is WPC No. 3016 of 2008 taken as directed above and communicated to the parties, no action shall be proceed on the basis of Ext.P6.

THOTTATHIL B. RADHAKRISHNAN, JUDGE btt WPC No. 3016 of 2008