



GOVERNMENT OF KERALA
Abstract

Local Self Government Department- Judgment in WP(C) No.18312/12 filed by St. Vincent Pallotti Church, Kattoor - implemented -Orders issued.

LOCAL SELF GOVERNMENT (DB) DEPARTMENT

G.O(Rt)No.324/2013/LSGD

Thiruvananthapuram,dtd. 05/02/2013

- Read:- 1) Proceedings No.N7-10633/09 dated 31.05.2011 of the District Collector, Alappuzha.
2) Appeal petition dated 22.07.2011 filed by Vicar, St. Vincent Pallotti Church, Kattoor.
3) Govt. letter No.38593/DB3/2011/LSGD dated 06.06.2012.
4) Judgment dated 11.10.2012 in WP(C)No.18312/12 filed by St. Vincent Pallotti Church, Kattoor.

ORDER

Fr. Mathew Panakal, Vicar. St. Vincent Pallotti Church, Kattoor filed an appeal petition before Government against the orders of District Collector, Alappuzha rejecting license for the construction of vault type cemetery for St. Vincent Pallotti Church, Kattoor. The appeal petition filed by the Vicar was rejected by Government vide letter read as third paper above, on the ground that there existed a dwelling house bearing No.XX-831-10 within 25 meters of the proposed site before submitting the application for license.

2. The appellant, filed WP(C)No.18312/12 before the Hon'ble High Court of Kerala and the Court vide its judgment read as fourth paper above set aside the Government decision and directed Government to consider the appeal filed by the petitioner afresh and to pass appropriate orders thereon, in accordance with law after hearing the petitioner as well as other interested parties as expeditiously as possible at any rate within a period of two months of the date of receipt of a copy of the judgment. As such, a hearing was conducted on 04.01.2013 by the Secretary, LSGD.

3. During hearing it is pointed out that the pertinent point to be considered is whether the vault construction violates any rule in force. According to Rule 5 of KPR (Burial & Burning Ground) Rules 1998 there should be a minimum distance of 25 metres between the concrete vault and dwelling house. It is also prescribed that the position on the date of application need be considered for granting license.

4. The District Collector, Alappuzha informed that there are two dwelling houses within a distance of below 25 metres of the proposed site. One of these houses (No.XX-831) has been constructed before the filing of application i.e before 03.12.2007. Hence the construction of the vault in the proposed site is against the rules.
5. But the appellant church is persistently arguing that the next nearest building to the proposed cemetery is the residence of one Josephina, Mooppasseriyl House, which is located at a distance of 30m from the proposed vault. The shed, which according to the Church, constructed in 2009 out of thatched leaves at a distance of about 20 m from the proposed vault, can by no means be a reason for rejecting the appellant's application.
6. Government have examined the matter in detail and are pleased to remit back the appeal petition filed by the Vicar, St. Vincent Pallotti Church, Kattoor to District Collector, Alappuzha for considering the request of the Church, after conducting site inspection and taking into account whether there is actually a dwelling house within the objectionable distance as per Rules and whether only a thatched shed exist there and based on facts, to pass appropriate orders.
7. The judgment in WP(C) No.18312 of 2012 before the Hon'ble High Court is thus complied with.

By Order of the Governor

Dr. RAJAN KHOBRADE
Secretary to Government.

To

The Advocate General, Ernakulam (with C/L)
Fr. Mathew Panakkal, Vicar, St. Vincent Pallotti Church,
Kattoor. P.O. Kalavoor, Alappuzha.
The District Collector, Alappuzha.
The Executive Director, Information Kerala Mission,
Thiruvananthapuram (for publishing in the website of Local
Self Government Department)
The Secretary, Mararikulam Grama Panchayat, Alappuzha.
Stock file/ Office copy

Forwarded/By Order

