



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Purathoor Grama Panchayath - Judgment in WP(C) 4258/2013 filed by Sri. K.K. Sasidharan, Kadalikkattil House, Via Thirur - Compliance of Court direction --Orders Issued

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No.2039/2013/LSGD

Dated, Thiruvananthapuram, 02.08.2013

- Read:-
1. Order dated 12/01/2012 in RP.No.49/10 of Hon. Ombudsman for Local Self Government Institutions.
 2. Exhibit P15 representation dated 30/7/2012 put in by Sri.Sasidharan, Kadalikkattil House, Purathoor, Tirur.
 - 3.Judgment dated 11/1/2013 in WP(C)No.31630/12 filed by Sri.K.K.Sasidharan
 - 4.G.O.(Rt)No.1173/13/LSGD dated 27/4/2013.
 5. Judgment dated 19/03/2013 in WP(C) 4258/2013 filed by Sri. K.K. Sasidharan.
 - 6.Representation dated 15/06/2013 from Sri. K.K. Sasidharan, Kadalikkattil House, Via Thirur, Malappuram.

ORDER

As per the judgment read as 3rd paper above the Hon'ble High Court had directed the 1st respondent (ie.Secretary LSGD) to consider Exhibit P15 representation in accordance with law and pass appropriate orders thereon.

2.Government have received the copy of the judgment only after the disposal of the exhibit P15 representation. Accordingly Government have issued orders vide G.O. read as 4th paper above.

3.In view of the above, the petitioner approached before the Hon'ble High Court for a direction to the 1st respondent to pass appropriate orders on Exhibit P15 after hearing him also. The Hon'ble High Court, in its judgment read as 5th paper above had directed the 1st respondent (ie.Secretary, LSGD) to consider Ext.P15 representation in accordance with law and to pass appropriate orders thereon, as expeditiously as possible within a period of two months of the date of receipt of a copy of judgment after hearing the petitioner as well as the Panchayath.

4.In the exhibit P15 representation read as 2nd paper above, the petitioner has requested to give door numbers to the building of the petitioner adjacent to rooms having the door numbers 195 & 196 after relaxing the rule 220(b) of Panchayath Raj Act, 1994.

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5.As ordered by the Hon'ble Court, the Secretary L.S.G.D heard the petitioner and the Panchayath Secretary, Purathur Grama Panchayath on 03/07/2013. In the hearing the petitioner has argued that, he has completed the structure of the building before enforcing Section 220(b) of Panchayathraj Act in Purathur Grama Panchayath. He has also argued that road in front of the building is not notified by the panchayath. As such the Section 220(b) is not applicable in his case. Moreover the panchayath issued numbers to the adjacent buildings. Hence his building is also eligible for getting building number.

6. In the order read as 1st paper above , the Hon'ble Ombudsman has ordered that, the power to relax Section 220 (b) is very much with the Government and the panchayath can also recommend the case to Government for exemption. But there is no power in government to relax the said section. From the photographs produced by the petitioner, it is seen that several shops are existing along the road with same set back. Moreover it is reported that the structure of the building was completed before enforcing the Section 220 (b) of Panchayath Raj Act.

7. Government have examined the matter in detail and are pleased to direct the Secretary Purathur Grama Panchayath to issue door numbers to three rooms of Sri. K.K Sasidharan adjacent to the rooms having door No.195 and 196, after obtaining an affidavit in stamp paper agreeing to demolish the portion coming within the 3.00 m set back line in case there is any road widening, in due compliance to the directions contained in the judgment dated 19/03/2013 in W.P © No.4258/13.

By Order of the Governor
Dr.Rajan Khobragade,
Secretary to Government

To

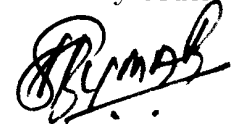
Shri/. K.K. Sasidharan, Kadalikkattil House, Via Thirur, Purathoor P.O
Pin 676 102 Malappuram.

The Advocate General, Kerala Ernakulam(with covering letter)

The Secretary Purathoor Grama Panchayath, Purthoor, Thirur 676 102

The Executive Director, Information Kerala Mission, Pangappara, Trivandrum.
stock file / O.C

Forwarded/By Order



Section Officer