



GOVERNMENT OF KERALA
Abstract

Local Self Government Department – Kerala Panchayat Building Rules 2019 – Interim Order dated 19/01/2021 of Hon'ble High Court of Kerala in W.P. (C) No.22040/2020 filed by Sri.Sreedharan P.G. - Technical Expert Committee for Nellikuzhy Grama Panchayat – Constituted – Orders issued.

LOCAL SELF GOVERNMENT (RB) DEPARTMENT

G.O.(Rt) No. 572 /2021/LSGD.

Dated, Thiruvananthapuram, 24. 02.2021

Read: - Interim Order dated 19/1/2021 of Hon'ble High Court of Kerala in WP(C) No.22040/2020 filed by Sri. Sreedharan.P.G.

ORDER

The Hon'ble High Court in its interim order read as above, directed Government Pleader to get instructions as to the reason why the Technical Expert Committee provided for in Rule 10(12) of the Kerala Panchayat Building Rules, 2019 has so far not been constituted for the seventh respondent, Nellikuzhy Grama Panchayat.

2. The above writ petition is filed by Sri.Sreedharan P.G., Challenging Ext.P1 (Building Permit issued by the Nellikuzhy Grama Panchayat) and Ext.P2 (building plan approved by the Nellikuzhy Grama Panchayat). The petitioner states that Exhibit P1 Building Permit was issued without following Rule 12 of Kerala Panchayat Building Rules 2011/Rule 10 of Kerala Panchayat Building Rules 2019. As a result of the illegal construction the boundary wall and house of the petitioner was totally damaged. The respondents 9 and 10 are making construction above Ground level without concurrence from the 7th respondent, as per Rule 12 (7) of Kerala Panchayat Building Rules 2011. If further construction are not stopped that will cause irreparable injury to the petitioner.

3. Government examined the matter in detail. Rule 10(12) of Kerala Panchayat Building Rule- 2019 states as follows:

“for the purpose of this rule, Government may constitute Panchayat level Technical Expert Committee(s) comprising of Secretary (convener), an officer not below the rank of Assistant Engineer of the Engineering wing of Local Self Government Department having jurisdiction of the area and two experts; one each in structural Engineering and Geotechnical Engineering (to be nominated by

Government) to assess the damage, suggest protective measures and fix the compensation. The process of the Committee shall be completed in 3 weeks."

A Technical Expert Committee has not been constituted for the Nellikuzhy Grama Panchayat as per Rule 10(12) of Kerala Panchayat Building Rule -2019.

4. In these circumstances, Government are pleased to constitute a Panchayat Level Technical Expert Committee for Nellikuzhy Grama Panchayat with the following members in accordance with Rule 10(12) of the Kerala Panchayat Building Rules, 2019.

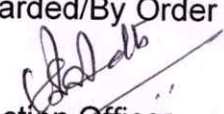
- 1) Secretary, Nellikuzhy Grama Panchayat (convener)
- 2) Assistant Engineer, LSGD, Nellikuzhy Grama Panchayat
- 3) Structural & Geo-technical Engineer from Engineering Department, Cochin University of Science and Technology (CUSAT), Kalamassery, Kochi.

Thus interim order of the Hon'ble High Court read as above, is complied with accordingly.

(By Order of the Governor)

- 1) Advocate General, Ernakulam (with C/L)
- 2) Secretary, Tribunal for Local Self Government Institutions
Vanchiyoar, Thiruvananthapuram
- 3) Shri.Sreedharan P.G.
Parambakkattu House, Nellikuzhy P O, Kothamangalam
Ernakulam District.
- 4) Shri.Anoop Purushothaman,
Ullanattu House, Mekkedambu P.O., Moovattupuzha, Ernakulam.
- 5) Shri.Purushothaman nair,
Ullanattu House, Mekkedambu PO, Moovattupuzha, Ernakulam
- 6) District Collector, Ernakulam
- 7) Revenue Divisional Officer, Muvattupuzha – 686661
- 8) District Police Chief,
Ernakulam (Rural), Aluva- 683101.
- 9) Inspector of Police, Kothamangalam Police Station, Kothamangalam.
- 10) Chief Town Planner, Thiruvananthapuram
- 11) Deputy Director of Panchayat, Ernakulam
- 12) Registrar, Cochin University of Science & Technology, Kalamassery, Kochi
- 13) Village Officer, Eramalloor Village, Nellikuzhi PO, Kothamangalam
- 14) Secretary, Nellikuzhy Grama Panchayat
- 15) Executive Director, Information Kerala Mission, Thiruvananthapuram.
(for publishing this order in website)
- 16) Stock File/ Office Copy.

Forwarded/By Order


Section Officer