



2026:KER:33874

WP(C) NO. 39428 OF 2025

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**C.R.**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 18<sup>TH</sup> DAY OF MAY 2026 / 28TH VAISAKHA, 1948

WP(C) NO. 39428 OF 2025

PETITIONER/S:

RENJINI K.K  
AGED 66 YEARS  
W/O.M.SATHEESAN, THAKIDIVELIYIL (SNEHITHA),  
KALAVOOR P.O., ALAPPUZHA, PIN - 688522

BY ADVS. SHRI.P.SATHISAN  
SHRI.SHIBU B.S  
SHRI.BIJU P.PAUL  
SHRI.ALVIN JEWEL S.S.  
SMT.VIDHYA T.U.  
SMT.ANTIJA JAMES  
SMT.LEENA VARGHESE

RESPONDENT/S:

- 1 MANNANCHERRY GRAMA PANCHAYAT  
MANNACHERRY P.O., ALAPPUZHA, REPRESENTED BY ITS  
SECRETARY., PIN - 688522
- 2 THE SECRETARY  
MANNANCHERRY GRAMA PANCHAYAT, MANNACHERRY P.O.,  
ALAPPUZHA, PIN - 688538
- 3 THE PROJECT DIRECTOR  
NHAI, TC - 29/1539/1, RAJASREE KAIRALI,  
PERUMTHANNI, VALLAKKADAVU P.O.,  
THIRUVANANTHAPURAM, PIN - 695008



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- 4 STATE OF KERALA  
REPRESENTED. BY ITS SECRETARY, PUBLIC WORKS  
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM  
P.O., PIN - 695001
- 5 SPECIAL DEPUTY COLLECTOR AND COMPETENT AUTHORITY  
LAND ACQUISITION, NHAI, COLLECTORATE, ALAPPUZHA  
COLLECTORATE P.O., , PIN - 688001
- 6 DISTRICT COLLECTOR  
ALAPPUZHA, BESIDE ZILLAPACHAYATH OFFICE, CIVIL  
STATION WARD P.O., ALAPPUZHA, PIN - 688001

BY ADVS.  
SHRI.V.K.BALACHANDRAN, SC, MANNANCHERRY GRAMA  
PANCHAYAT  
SHRI.SUVIN R.MENON, SENIOR PANEL COUNSEL  
SRI.K.J.SHENOY, GP  
SRI.BIDAN CHANDRAN, SC, NHAI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 18.05.2026, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



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**C.R.**

**P.V. KUNHIKRISHNAN, J.**

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**W.P.(C.).No.39428 of 2025**

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**Dated this the 18<sup>th</sup> day of May, 2026**

**JUDGMENT**

This writ petition is filed with the following prayers:

- “(i). Issue a writ of Certiorari or such other writ or direction calling for entire records leading up to Exhibits P5, P9 and Exhibit P10 and quash the same declaring the same as arbitrary, unreasoned, illegal and unconstitutional,
- (ii). Issue a Writ of Mandamus or such other writ or direction directing 2nd Respondent Panchayath to allot due building number to the structure of the Petitioner covered by Exhibit P5 impugned order of rejection, subject matter structure in the impugned order, for residential occupancy within a time fixed by the Honorable Court.
- (iii). Issue a Writ of Mandamus or such other writ or direction declaring that the property of petitioner which had been completed before 2019 much before Section 3A notification under National



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Highways Act 1956 cannot be denied of numbering or issuance of occupancy certificate as per Kerala Panchayath Building Rules or as per Law if the structure is not within the alignment of acquisition particularly in the light of Exhibit P7, NOC issued by Special Deputy Collector (LA),

- (iv). Issue a Writ of Mandamus pursuant to the Writ declaring that non extension of benefit as extended to other evictees whose properties are abutting National Highway being permitted to continue, pursuant to the acquisition and after demolition of portion of structure in the acquired land, with left over structure in the un-acquired land abutting National Highway, is discriminatory, illegal and unconstitutional,
- (v). Issue a writ of mandamus or such other writ or direction directing respondents to extend full compensation for the subject matter structure if impediment to petitioner for the usage of the building is caused by the acquisition for National Highway of property adjoining the property covered by Section 3G award as per Exhibit P6 thereunder,
- (vi). To issue such other orders or directions which this Hon'ble Court may find deem fit and proper in the circumstances of the case and;
- (vii) to dispense with filing of the translation of vernacular documents.
- (viii). Award costs of the proceedings.” *(SIC)*



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2. The petitioner owns 11.500 cents of land in Resurvey No. 58/1-2, and Resurvey Block No. 003 in Komalapuram Village of Ambalapuzhua Taluk in Alappuzha District is the submission. Ext.P1 is the land tax receipt. The petitioner had proposed to construct a residential building in the property for residential occupancy, and on that basis, the construction had been proceeded with, since the proposed single-storeyed construction was about 560 square feet and was exempted from the requirement of a building permit as per the Kerala Panchayat Building Rules, 2011 (for short, Rules, 2011) which was applicable then and on that basis, the construction had been completed during 2019, before the Kerala Panchayat Building Rules, 2019 (for short, Rules, 2019) is the submission. According to the petitioner, the construction complied with all statutory requirements, including structural stability and fire safety measures. Though the construction was for residential occupancy, the respondent directed the petitioner to submit an application for commercial occupancy for multifaceted use, the petitioner submits. However, the petitioner wanted it only for



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residential purposes, and the construction was also for the above purpose. Ext.P2 is the application for assigning building number/Occupancy Certificate before the Panchayat, and Ext.P3 is the receipt showing the submission of the application. The application for assignment of a building number had been duly submitted in accordance with the Rules, 2011. The subject matter construction covered by Ext.P2 was a Group A-1 residential building which cannot be termed as a commercial building at all, and on that basis, since the Panchayat comes within the ambit of Category-2 Village Panchayat and the structure is Group A-1 residential occupancy and the extent of construction is 560 square feet, there was no requirement for a building permit as on the date of the construction prior to the coming into force of Rules, 2019, which came into effect only on 08.11.2019 is the submission. Therefore, it is submitted that the insistence by respondents 1 and 2 to submit an application for regularisation, treating the building as a commercial structure, was erroneous. The petitioner requires the building only for residential use, which falls within the ambit of the Rules, 2011,



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as Group A-1 Residential Occupancy. Construction of the building was completed in 2019 is the submission. Upon completion of construction, the petitioner made an application dated 20.09.2019, as stated above, for the assignment of a building number for the construction. It is submitted that, on receipt of this application, the respondents suggested modifying it, stating that it was for commercial purposes rather than residential, and, on that basis, a request letter was submitted stating the same as an application for numbering a commercial building. However, the application was not processed immediately thereafter, and the same was kept in abeyance by the authorities, is the further submission. It is submitted that on account of the delay in processing the application, the petitioner moved this Court by filing W.P.(C). No.12309/2020, and this Court disposed of that writ petition as per Ext.P4 judgment, directing the respondents to consider the benefit entitled by the petitioner for deeming provisions in relation to the numbering of the building/Occupancy Certificate, is the submission. However, the respondents rejected the application on 14.08.2020 after the



receipt of the copy of the judgment, without considering the relevant aspects, including the deeming entitlement of the petitioner to the Occupancy Certificate, as evident by Ext.P5, is the further submission. The petitioner approached the Tribunal for Local Self Government Institutions (hereinafter, the Tribunal) by filing an appeal, which was also rejected as per Ext.P9. It is submitted that, after dismissal of the appeal by the Tribunal, the Panchayat issued a letter stating that the demolition of the building has to be effected without which further coercive action shall be taken by the Panchayat. Ext.P10 is the notice. Aggrieved by the same, this writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Government Pleader. I also heard the learned Standing Counsel for the Panchayat.

4. Aggrieved by Ext.P5, the petitioner filed an appeal before the Tribunal. The Tribunal dismissed the appeal, as per Ext. P9. This Court perused Ext. P9. In Ext. P9, paragraphs 2 and 3, the facts are narrated. Thereafter, paragraph 4 is the concluding portion. It will be better to extract the Ext.P9 order



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in full:

“Heard both sides.

2. Rejection of the application for regularization of an unauthorized construction is challenged in this appeal.

3. On going through the impugned order dated 14/08/2020, it is seen that the property of the appellant is situated on the side of National Highway 66 and she has constructed a building without getting permission of the Panchayat. Later, she applied for building number. Initially, it was categorized as residential building and on inspection it was found incorrect. Subsequently, on 01/11/2019, the appellant again applied for building number showing the unauthorized building as commercial. This application was for regularization of unauthorized building. By this time, 2.67 ares of property belong to the appellant was acquired by government and compensation was paid to the appellant. Now there is no required distance from the National Highway to the building as required under Section 220(b) of the Kerala Panchayat Raj Act. In such circumstances, the regularization application was dismissed.

4. On hearing both sides and perusing records I am of the view that the Panchayat is justified in refusing to regularize the unauthorized building of the appellant. The impugned order itself is a speaking



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order explaining the above facts. So no interference is warranted.

In the result, the appeal is dismissed. No costs.”

5. Only adjudication regarding the facts of the case is in paragraph 4 of the Ext. P9. I am of the considered opinion that the tribunals cannot pass such cryptic orders. Ext.P9 is not a speaking order. The Tribunal is constituted as per Section 271S of the Kerala Panchayat Raj Act, 1994 (for short, the Act, 1994), and Section 509 of the Kerala Municipality Act, 1994. The Tribunal for Local Self Government Institutions Rules, 1999 (for short, the Tribunal Rules, 1999) is framed in exercise of the powers conferred under Section 254 read with Sections 271S and 271U of the Act, 1994 and also Section 509 of the Kerala Municipality Act, 1994. Rule 20 of the Tribunal Rules, 1999 deals with the order of the Tribunal. It will be better to extract Rule 20:

“Rule 20 - Order of the Tribunal

(1) The Tribunal shall, after considering the petition and connected records or, if there is trial of the parties, after the completion of such trial, issue an order recording its decision on the petition:



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Provided that if the Tribunal thinks it necessary so to do, it may declare in advance a date to issue such order and shall issue the order on that date.

(2) An order of the Tribunal shall be in writing and shall bear the signature and seal of the Tribunal on it.”

6. As per the above rule, the Tribunal shall, after considering the petition and connected records or, if there is a trial of the parties, after the completion of such trial, **issue an order recording its decision** on the petition. An “order recording its decision” mentioned in Rule 20 of the Tribunal Rules 1999 itself shows that there should be a speaking order. The decision-making which leads to the order should be recorded by the Tribunal. The tribunal cannot dispose of a case simply by narrating the facts and, thereafter, in two lines, concluding the order. As I stated earlier, the tribunal should pass a speaking order recording its decision on the petition. The Division Bench of this Court in ***Ambili S v. Vinod Kumar Pilla [2023 KHC 9005]*** has observed the manner in which an order should be passed by administrative or quasi-judicial



authorities. It will be better to extract the relevant paragraphs of the judgment:

“8. Following the principle laid down in the decisions referred to above, the Apex Court in *Chairman and Managing Director, United Commercial Bank v. P.C. Kakkar* [(2003) 4 SCC 364] held that, reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the ‘inscrutable face of the sphinx’, it can, by its silence, render it virtually impossible for the courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. The ‘inscrutable face of a sphinx’ is ordinarily incongruous with a judicial or quasi - judicial performance.

9. The object underlying the rules of natural justice is to prevent miscarriage of justice and secure fair play in action. The recording of reasons by an administrative or quasi-judicial authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decisions making. It would apply equally to all decisions made by



such authority and its application cannot be confined to decisions which are subject to appeal, revision or judicial review. At the same time, it is not the requirement that, the reasons should be as elaborate as in the decision of a Court of law. What is necessary is that, the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy. Hence, it is an essential requirement of the rule of law that, some reasons, at least in brief, must be disclosed in the order passed by an administrative or quasi-judicial authority.”

7. The Tribunal is constituted for a purpose. The Tribunal Rules, 1999, provide detailed procedures for the consideration of a petition. The Tribunal Rules, 1999, also specify how a petition is to be submitted before the Tribunal, the documents to be accompanied with the petition, the powers of the Tribunal, and the hearing of the parties' pleadings. When such a detailed procedure is provided in the Tribunal Rules, 1999, it is the duty of the Tribunal to pass a speaking order. On a perusal of paragraph 4 of Ext.P9, I am of the considered opinion that it is not a speaking order. This is not the manner in which the Tribunal is to decide an appeal. The Tribunal should



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pass a speaking order after considering the parties' pleadings. The petitioner raises several legal and factual contentions in this writ petition. Therefore, I am of the considered opinion that Ext.P9 is to be set aside and it is to be reconsidered by the Tribunal. All the contentions raised by the petitioner in this writ petition are left open. The Tribunal will consider all the contentions raised by the petitioner based on the pleadings available before it and thereafter pass fresh orders, after giving an opportunity of hearing to the petitioner and other affected parties, in accordance with law. If the parties wish to amend the pleadings, the tribunal will take a liberal view while considering the same. Since Ext.P10 is a notice issued on the basis of Ext.P9, the same can also be set aside.

Therefore, this Writ Petition is allowed in the following manner:

1. Exts.P9 and P10 are set aside.
2. The Tribunal for Local Self Government Institutions is directed to reconsider Appeal No. 377/2020, after giving sufficient



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opportunity of hearing to the petitioner, respondents 1 and 2, and other affected parties, if any, as expeditiously as possible.

sd/-  
**P.V.KUNHIKRISHNAN**  
**JUDGE**

JV

Judgment reserved	NA
Date of Judgment	18.05.2026
Judgment dictated	18.05.2026
Draft Judgment placed	19.05.2026
Final Judgment uploaded	20.05.2026



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APPENDIX OF WP(C) NO. 39428 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LAND TAX RECEIPT NO.KL04010607898/2025 DATED 12.05.2025 IN RELATION TO THE PROPERTY
- Exhibit P2 TRUE COPY OF THE APPLICATION SUBMITTED FOR ASSIGNING BUILDING NUMBER/ FOR OCCUPANCY CERTIFICATE DATED 20.09.2019 BEFORE THE RESPONDENT PANCHAYATH
- Exhibit P3 TRUE COPY OF THE RECEIPT DATED 21.10.2019
- Exhibit P4 TRUE COPY OF THE JUDGEMENT IN W.P.(C) NO.12309 OF 2020 DATED 23.06.2020
- Exhibit P5 TRUE COPY OF THE ORDER NO.BT.15159/2020 K.DIS DATED 14.08.2020
- Exhibit P6 TRUE COPY OF THE 3G AWARD NO. LAC NO.128/2020/KOMALAPURAM/BL3/S.O.4348(E ) A41574/2022 DATED 17.03.2022
- Exhibit P7 TRUE COPY OF THE NOC ISSUED BY THE SPECIAL DEPUTY COLLECTOR (NH) DATED 20.12.2019
- Exhibit P8 TRUE COPY OF THE PHOTOGRAPHS OF THE BUILDING
- Exhibit P9 TRUE COPY OF THE ORDER IN THE APPEAL NO.377 OF 2020 DATED 20.08.2025 OF THE LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM
- Exhibit P10 TRUE COPY OF THE LETTER NO.B.T-15159/2019 DATED 16.09.2025 ISSUED BY THE PANCHAYATH
- Exhibit P11 TRUE COPY OF THE QUESTIONNAIRE DATED 25.05.2023
- Exhibit P11(a) TRUE COPY OF THE REPLY GIVEN DATED 12.10.2023

RESPONDENT EXHIBITS

- Exhibit R2(a) True copy of the application dated 20.9.2019 submitted by petitioner before the 1st respondent panchayath



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- along with appended documents
- Exhibit R2(c) True copy of the application dated 5.12.2019 submitted by petitioner before the 2nd respondent
- Exhibit R2(e) True copy of the letter No.B.T. 15159/19 dated 22.7.2020 sent by 2nd respondent to the petitioner
- Exhibit R2(f) True copy of the appeal dated 3.8.2020 submitted by petitioner before the 2nd respondent
- Exhibit R2(g) True copy of the order No.15159/2020 dated 14.8.2020 issued by the 2nd respondent
- Exhibit R2(d) True copy of the letter No.A2. 2045/18 dated 14.7.2020 sent by Special Deputy Collector L.A. (N.H.), Alappuzha to the 2nd respondent
- Exhibit R2(b) True copy of the letter No.B.T.15159/19 dated 28.11.2019 issued by 2nd respondent to the petitioner