

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 4 of 2015 (A)

PETITIONER:

**SHYLENDRAKUMAR M.V.,
MADATHIL HOUSE, THOTTAKAM.P.O, VAIKOM,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN**

RESPONDENT(S) :

- 1. DISTRICT COLLECTOR,
KOTTAYAM. PIN-686 001**
- 2. THE VILLAGE OFFICER,
VAIKOM VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT. PIN-686 141**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 4 of 2015

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Dated, this the 20th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (i) To call for the records connected with the case leading to Exts. P1 to P4 and quash the original of Ext. P3 by issuing a writ of certiorari.
- (ii) To issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to consider and pass orders on Ext. P4 within a time frame fixed by this Hon'ble Court.
- (iii) To award cost of these proceedings.

2. The learned counsel for the petitioner submits that the property belonging to the petitioner having an extent of 17 Ares situated in Re.Sy No. 11/7A/a of Vaikom village is neither a 'paddy land', nor a 'wet land' as defined under Section 2 (xii) or 2 (xviii) of Act 28 of 2008 and only a 'dry land'. It is pointed out that property has not been included in the register of Data Bank as discernible from Ext.P2. But the same happened to be described as 'Nilam' in the revenue records (BTR). Though the petitioner approached the 1st respondent by filing Ext. P4 application under Clause 6 of the Kerala

Land Utilization Order, which is still to be considered. The prayer is only to cause the same to be considered within a reasonable time in the light of the decisions rendered by this Court in **Joseph John Vs. Land Revenue Commissioner [2014 (1) KLT 706]** and **Dileep Kumar Vs. State of Kerala [2014 (4) KLT 200]**.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides the writ petition is disposed of directing the first respondent to pass appropriate orders on Ext. P4, of course in the light of the decisions cited supra and other binding precedents, if any, after affording an opportunity of hearing to the petitioner. The proceedings as above shall be finalized, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**