

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C) .No. 18 of 2015 (B)

PETITIONER(S) :

KAMMADALIKKUTTY,
AGED 62 YEARS,
S/O.MOIDEENKUTTY HAJI,
VADAKKEPEEDIYEKKAL ANANTHAVIL,
KONATHIL HOUSE, POST PACHATTIRI,
TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUABAL,

RESPONDENT(S) :

1. THE REVENUE DIVISIONAL OFFICER,
TIRUR, POST TIRUR, MALAPPURAM DISTRICT,
PIN - 676 101.
2. THE TAHSILDAR,
TIRUR TALUK, POST TIRUR, MALAPPURAM DISTRICT,
PIN - 676 101.
3. THE VILLAGE OFFICER,
VETOM VILLAGE OFFICE, POST VETOM, TIRUR TALUK,
MALAPPURAM DISTRICT, PIN - 676 102.
4. THE AGRICULTURAL OFFICER,
VETOM AGRICULTURAL OFFICE, POST VETOM,
(VIA.) TIRUR,
MALAPPURAM DISTRICT, PIN - 676 102.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

RVS.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: THE TRUE COPY OF THE PURCHASE CERTIFICATE
NO. 202/1998 OF LAND TRIBUNAL, TIRUR DATED
21/07/1998.

EXHIBIT P2: THE TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE
THE DISTRICT COLLECTOR, MALAPPURAM DATED 17/02/2007.

EXHIBIT P3: THE TRUE COPY OF THE REPORT AND MAHAZAR PREPARED BY
THE THIRD RESPONDENT DATED 01/03/2007.

EXHIBIT P4: THE TRUE COPY OF THE REPORT OF THE THIRD RESPONDENT
DATED 15/03/2007.

EXHIBIT P5: THE TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED
01/12/2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 18 of 2015

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Dated, this the 5th day of January, 2015

JUDGMENT

The petitioner is the owner of the property having an extent of 2.08 acres of land in Re-survey No. 337/5 of Vettom village in Tirur Taluk covered by Ext. P1 purchase certificate issued by the Land Tribunal dated 21.07.1998. The property, according to the petitioner, is virtually a dry land having effected conversion much before the commencement of the Act 28 of 2008. But the same happened to be described as a paddy land in the Revenue records. The factual position has been reported by the 3rd respondent, vide Exts.P3 and Ext. P4 showing the exact nature and topography of the land in question. This was explained in Ext. P2 representation preferred by the petitioner before the District Collector. The grievance of the petitioner is that though the petitioner has preferred Ext. P5 representation on 01.12.2014 before the second respondent for making necessary entries in the BTR, it is still to be

acted upon. Hence the writ petition, seeking for a direction to be given to the second respondent to consider and pass appropriate orders on Ext. P5 representation.

2. Heard the learned Government Pleader, who submits that, if the petitioner prefers a proper application under Clause 6 of the Kerala Land Utilization before the first respondent, the same can be caused to be considered, after calling for a report from the 4th respondent, as to whether property is included in the Data Bank Register.

3. In the above circumstances, the petitioner is set at liberty to file a proper application before the first respondent as aforesaid within two weeks; upon which the first respondent shall call for a report from the 4th respondent and pass final orders in the said representation in accordance with Clause 6 of Kerala Land Utilization Order and in the light of the decisions reported in **2010 (2) KLT 617 (Praveen Vs. Land Revenue Commissioner)** and **2014 (1) KLT 706 (Joseph John Vs. Land Revenue Commissioner)**, after hearing the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

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: 3 :

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

Sd/-

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

kmd