

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936**

**WP(C).No. 547 of 2015 (P)**  
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**PETITIONER(S):**  
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**ANIL ABRAHAM, KODINJOOR,  
VALLAMKULAM EAST, ERAVIPEROOR VILLAGE,  
THIRUVALLA. REPRESENTED BY HIS POWER OF  
ATTORNEY HOLDER JOY JOHN, KOORAPPALLIL HOUSE,  
KUMBANADU P.O., KOIPROM, THIRUVALLA.**

**BY ADVS.SRI.T.P.PRADEEP,  
SRI.P.K.SATHEES KUMAR.**

**RESPONDENT(S):**  
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- 1. THE REVENUE DIVISIONAL OFFICER,  
THIRUVALLA - 689 101.**
- 2. THE AGRICULTURAL OFFICER /  
CONVENER OF THE LOCAL LEVEL MONITORING COMMITTEE,  
KRISHI BHAVAN, ERAVIPEROOR - 689 542.**
- 3. THE VILLAGE OFFICER,  
ERAVIPEROOR - 689 531.**

**BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1(A): TRUE COPY OF THE SALE DEED DOCUMENT NO.2299/2014  
DATED 08.08.2014 OF THIRUVALLA S.R.O.
- EXHIBIT P1(B): TRUE COPY OF THE SALE DEED DOCUMENT NO:2853/2013  
DATED 26.09.2013 OF THIRUVALLA S.R.O.
- EXHIBIT P1(C): TRUE COPY OF THE SALE DEED DOCUMENT NO:651/1/2014  
DATED 20.02.2014 OF THIRUVALLA S.R.O.
- EXHIBIT P2: TRUE COPY OF THE APPLICATION FOR PERMIT AND PLAN  
DATED 14.12.2014.
- EXHIBIT P3: TRUE COPY OF THE CERTIFICATE DATED 24/12/2014  
ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P4: TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK  
PREPARED BY THE 2ND RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 29.12.2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

**P.R. RAMACHANDRA MENON, J.**

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W.P.(C). No. 547 of 2015

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Dated this the 8<sup>th</sup> day of January, 2015

**JUDGMENT**

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ, order or direction, commanding 1<sup>st</sup> respondent to allow the petitioner to utilize his property as "Purayidom" in the light of Clause 6(1) of the Land Utilization Order, 1967 so as to enable him to make use of the property for other purpose than agricultural purpose.

ii. Issue a writ of mandamus or any other appropriate writ, order or direction, commanding 1<sup>st</sup> respondent to grant permission to the petitioner for constructing the Auditorium in the land comprising in Re Sy No. 386/5-1-1, 386/5-1-2, 386/5-1-3 respectively of Eraviperoor Village under clause 6 of the Land Utilization Order, 1967.

iii. Issue a writ of mandamus or any other appropriate writ, order or direction, commanding 1<sup>st</sup> respondent to dispose of Ext.P5 representation forthwith."

2. The learned counsel for the petitioner points out that, the properties covered by Ext.P1 series title deeds are actually 'dry land' and not a 'paddy land' or 'wet land' as per the definition under Sections 2(xii) and 2(xviii) of the Act 28 of 2008. But the

property stands described as 'nilam' in the revenue records. As discernible from Ext.P4 which is a copy of the Draft Data Bank Register, the property has been described as 'dry land' (purayidom). The learned counsel for the petitioner submits that the petitioner has moved the 1<sup>st</sup> respondent by filing Ext.P5 application dated 29.12.2014 under clause '6' of Kerala Land Utilization Order. The prayer is to cause the same to be considered and finalized within a reasonable time.

3. Heard the learned Government Pleader as well, who submits that Ext.P5 will be considered and orders will be passed after conducting site inspection and getting a report from the concerned Agricultural Officer.

4. In the said circumstance, the writ petition is disposed of, directing the 1<sup>st</sup> respondent to call for a report from the 2<sup>nd</sup> respondent as to the factual particulars, after conducting site inspection with notice to the petitioner and Ext.P5 application shall be considered and finalized in accordance with law also in the light of the law declared by this Court in **Jafarkhan v. K.A. Kochumarakkur & Others (2012 (1) KLT 491)** and that of the Division Bench in **Praveen K. v. Land Revenue**

**Commissioner, Thiruvananthapuram & Others (2010 (2) KLT 617)**, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1<sup>st</sup> respondent for further steps.

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

kp/-