

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 1328 of 2015 (M)

PETITIONER(S):

**PULIMOOTTIL CHACKO THOMAS,
AGED 57 YEARS, S/O.C.P. JOHN,
PULIMOOTTIL HOUSE, CHEMBUMUKKU,
THRIKKAKARA, KOCHI.**

**BY DR.K.P.SATHEESAN, SENIOR ADVOCATE.
ADVS. SRI.M.R.JAYAPRASAD,
SRI.MOHANDAS.B,
SRI.ANOOP.V.NAIR.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD,
ERNAKULAM, PIN-682 030.**
- 3. THE TAHSILDAR, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT, PIN-682 011.**
- 4. THE VILLAGE OFFICER,
CHELAMATTOM VILLAGE, CHELAMATTOM P.O.,
ERNAKULAM DISTRICT, PIN-683 550.**
- 5. THE LOCAL LEVEL MONITORING COMMITTEE,
REP. BY ITS CHAIRMAN/CONVENER,
OKKAL GRAMA PANCHAYAT,
PERUMBAVOOR-683 550.**

R1 TO R4 BY SR. GOVT. PLEADER MR.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1 TRUE COPY OF TAX RECEIPT.
- EXT P2 TRUE COPY OF REPORTS DATED 26-08-2008 BY THE TAHSILDAR,
KUNNATHUNAD TALUK.
- EXT P2(A) TRUE COPY OF REPORTS DATED 06-09-2008 BY THE TAHSILDAR,
KUNNATHUNAD TALUK.
- EXT P3 TRUE COPY OF JUDGMENT DATED 09-07-2014 IN
WP(C).NO.31254/2013.
- EXT P4 TRUE COPY OF ORDER DATED 04-11-2014 ISSUED TO THE
PETITIONER BY THE 3RD PETITIONER.
- EXT P5 TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 1328 of 2015

Dated this the 14th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of certiorari calling for records leading to Ext.P4 and quash Ext.P4.

ii. To issue a writ of mandamus or order directing the respondents 2 to 5 to take steps to correct the BTR records in respect of the property of the petitioner lying in Sy.No. 301/10, 301/23, 302/2 of Chelamattom Village, Kunnathunad Taluk, Ernakulam District, as purayidom instead of Nilam.

iii. Issue a writ of mandamus directing the 2nd respondent to direct the respondents 3 to 5 to correct the BTR records in respect of the property of the petitioner lying in Sy. No.301/10, 301/23, 302/2 of Chelamattom Village, Kunnathunad Taluk, Ernakulam District, as purayidom instead of Nilam.

iv. Issue a writ of mandamus directing the respondent No.2 or the competent authority to issue permission under Kerala Land Utilisation Order for utilising the property situated in Sy. No.301/10, 301/23, 302/2 of Chelamattom Village, Kunnathunad Taluk, Ernakulam District, for other purpose.

The learned counsel for the petitioner submits that, the petitioner is only pressing the relief sought for as prayer No.4, to cause Ext.P5 application preferred under Clause 6 of the KLU Order to

be considered and disposed of by the 2nd respondent within a reasonable time.

2. Heard the learned Government Pleader as well.

3. The learned counsel for the petitioner submits that the property of the petitioner is not a 'paddy land' and more or less remaining as 'dry land' for the past several years. It is in the said circumstance that direction has been sought for as per Ext.P5 application for using the land for other purpose in terms of Clause 6 of the KLU Order. Reliance is sought to be placed on Exts. P2/P2(a) reports issued by the concerned Tahsildar.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P5 in accordance with law after giving an opportunity of hearing to the petitioner at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. All other issues are left open.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

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