

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C) .No. 2773 of 2015 (V)

PETITIONER(S) :

N.RADHA,
W/O.LATE K.BHASKARAN NAIR, AJAY NIVAS,
MALAMAKKAVU,
ANAKKARA, PALAKKAD DISTRICT, PIN - 679 554.

BY ADV. SRI.K.DILIP.

RESPONDENT(S) :

1. THE STATE OF KERALA,
REP.BY ITS SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE REVENUE DIVISIONAL OFFICER,
OTTAPPALAM, PALAKKAD DISTRICT, PIN - 679 101.
3. THE ADDITIONAL TAHASILDAR,
PATTAMBI TALUK, PALAKKAD DISTRICT, PIN - 679 303.
4. THE VILLAGE OFFICER,
ANAKKARA GRAMA PANCHAYAT, PIN - 679 553.

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GOERGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT-P1: A TRUE COPY OF THE EXTRACT OF DATA BANK SHOWING THE CATEGORY OF LAND IN QUESTION DATED NIL.

EXHIBIT-P2: A TRUE COPY OF THE ORDER OF PERMISSION OF CONVERSION AND BUILDING PERMIT ISSUED BY THE SUB COLLECTOR IN FAVOUR OF SRI.ABDURAHIMAN DATED 23/05/2006.

EXHIBIT-P3: A TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE VILLAGE OFFICER, ANAKKARA BY THE PETITIONER DATED 16/01/2015.

EXHIBIT-P4: A TRUE COPY OF THE GOVERNMENT ORDER NO.12/2014 DATED 15/11/14.

EXHIBIT-P5: A TRUE COPY OF THE PETITIONER'S APPLICATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 16.01.2015.

EXHIBIT-P6: A TRUE COPY OF THE APPLICATION OF THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 19.01.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2773 of 2015

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Dated, this the 28th day of January, 2015

JUDGMENT

The petitioner is stated as the owner of the property having an extent of 66 cents in Survey No. 336/7 of Koodalloor in Anakkara village, obtained to him as per assignment deed No. 1704/1981 executed before the SRO, Kumaranelloor. The case of the petitioner is that said property is a 'dry land' having reclaimed decades ago, and that same is not liable to be described as 'paddy land' or 'wet land' as contemplated under Act 28 of 2008.

2. The learned counsel counsel for the petitioner submits that the petitioner, with an intent to expand residential building in the property, approached the 4th respondent seeking permission to excavate some ordinary earth and transport it. But, the said request was not acceded to, referring to description of the property as 'Nilam' in the revenue records. It is stated that the property of the petitioner is not included in the draft data bank register. The learned counsel for the petitioner submits that the petitioner has submitted Ext. P6

application before the 2nd respondent projecting the grievance and that the only prayer now pressed before this Court to cause same to be considered by the said respondent at the earliest.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for this Court does not find it necessary to go into the merits of the case. The Writ Petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext. P6 application preferred by the petitioner in accordance with law, after hearing, as expeditiously as possible, at any rate, within one month 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 second respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd