

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. 2774 of 2015 (V)

PETITIONER:

**U.USEPH, AGED 49 YEARS,
S/O.HYDROS HAJI, URATHODIYIL HOUSE, KUMBIDI P.O.,
PALAKKAD DISTRICT.**

BY ADV. SRI.K.DILIP

RESPONDENTS:-:

- 1. THE STATE OF KERALA,
REPRESENTED 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 SR. GOVERNMENT PLEADER, SRI. K.C. VINCENT

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

WP(C).No. 2774 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1. - A COPY OF THE ASSIGNMENT DEED NO.213/2014 OF S.R.O.,
KUMARANELLUR, DATED 28.01.2014.
- EXHIBIT P2. - A COPY OF THE EXTRACT OF DATA BANK SHOWING THE
CATEGORY OF LAND IN QUESTION DATED NIL.
- EXHIBIT P3. - A PHOTOSTAT COPY OF THE PHOTOGRAPHS SHOWING
ACTUAL FACT SITUATION DATED NIL.
- EXHIBIT P4. - A COPY OF THE APPLICATION SUBMITTED BEFORE THE
VILLAGE OFFICER, ANAKKARA BY KUNHAN DATED 24.12.2014.
- EXHIBIT P5. - A COPY OF THE REPORT OF THE VILLAGE OFFICER,
ANAKKARA DATED 27.12.14.
- EXHIBIT P6. - A COPY OF THE COMMUNICATION OF THE 3RD RESPONDENT
DATED 05.01.2015.
- EXHIBIT P7. - A COPY OF THE APPLICATION OF THE PETITIONER BEFORE
THE 2ND RESPONDENT DATED 19.01.2015.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2774 of 2015

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Dated, this the 28th day of January, 2015

JUDGMENT

The petitioner is the owner of the property covered by Ext. P1 title deed having an extent of 9 cents of land comprised in Survey No. 94/3A of Anakkara village of Pattambi Taluk. Ext. P2 is a copy of the data bank register, which shows that the property is described as a converted land, having effected conversion years prior to the commencement of Act 28 of 2008. The attempt made by the to excavate sand and to have it deposited in the property has been turned down by the 3rd and 4th respondents. It is in the said circumstances, that the petitioner has preferred Ext. P7 application before the second respondent, which is still to be acted upon.

2. Heard the learned Government Pleader as well.

3. The learned counsel for the petitioner points out that, even according to the village officer, as borne by Ext. P5, the property is remaining as a dry land, though the same happened to be described as 'nilam' in the BTR. Ext. P7 is a copy of the application preferred by the petitioner under Clause 6 (2) of the Kerala Land Utilization

Order and it is stated that the petitioner will be satisfied, if a direction is given to the second respondent to consider and pass appropriate orders thereon in accordance with law.

4. In the said circumstances, the writ petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext. P7 application preferred by the petitioner under Clause 6 of the Kerala Land Utilization Order, in accordance with law, after calling for a report from the concerned agricultural officer and after hearing, at the earliest, 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 second respondent for further steps.

Sd/-

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

kmd