

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 2842 of 2015 (E)

PETITIONER(S):

**ATHULYA, D/O.C.M. AJAYAKUMAR,
AGED 28 YEARS, RESIDING AT "MADHAVI",
MAKRERI AMSOM, KOTTAM DESOM,
KANNUR DISTRICT - PIN - 670 622.**

**BY ADVS.SRI.C.P.PEETHAMBARAN,
SMT.MINI.V.A.**

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
THALASSERY, KANNUR DISTRICT - 670 101.**
- 2. THE LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENOR AGRICULTURAL OFFICER,
KRISHI BHAVAN, PERALASSERY, MUNDALLUR P.O.,
KANNUR DISTRICT - 670 622.**

BUY GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE TAX RECEIPT DATED 11.08.2014.
- P2- TRUE COPY OF THE CERTIFICATE DATED 22.12.2014 ISSUED BY THE VILLAGE OFFICER, MAKRERI VILLAGE CERTIFYING THAT THERE IS NO OTHER PROPERTY IN THE POSSESSION AND OWNERSHIP OF THE PETITIONER.
- P3- TRUE COPY OF THE CERTIFICATE DATED 22.11.2014 ISSUED BY THE VILLAGE OFFICER, MAKRERI VILLAGE CERTIFYING THAT THE PROPERTY IS NOT INCLUDED IN THE DATA BANK.
- P4- TRUE COPY OF THE PHOTOGRAPH SHOWING THE NATURE OF THE PROPERTY.
- P5- TRUE COPY OF THE APPLICATION DATED 26.12.2014 SUBMITTED 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. 2842 of 2015

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Dated, this the 9th day of February, 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 directing the respondents to grant permission to the petitioner to reclaim the property for the construction of residential building in the name of the petitioner; and
- (ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to consider and pass orders on Ext. P5 within a time frame;
- (iii) Such other further reliefs as this Honourable Court deems fit and proper in the facts and circumstances of this case.

2. The petitioner is the owner of the property having an extent of 9.65 cents of land situated in Re. Sy No. 75 of Makreri village. According to the petitioner, the property concerned is not a paddy land or wet land, though the same happens to be described as 'nilam' in the revenue records. The learned counsel for the petitioner submits that the concerned village officer has certified, vide Ext. P3, that the property is not included in the data bank register. The

grievance of the petitioner is that, though the petitioner has approached the second respondent by filing Ext. P5 application seeking reclamation of the land for construction of a residential building, the same is still to be considered. Hence the writ petition.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the second respondent to consider and make appropriate remarks on Ext. P5 application preferred under Rule 5 of the Kerala Paddy land and Wet land Rules, in accordance with law and in the light of Exts. P2 and P3 reports, after affording an opportunity of hearing, at the earliest, at any rate within one month from the date of receipt of a copy of this judgment. This shall be caused to be forwarded to the District Level Authorized Committee; who shall finalize the matter within one month thereafter.

The 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