

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 3180 of 2015 (V)

PETITIONER:

**VARGHESE GEORGE, AGED 26 YEARS,
VEPPINATHU HOUSE, EAST OTHERA P.O.,
THIRUVALLA, REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER BLESSEN V.GEORGE,
VEPPINATHU HOUSE, EAST OTHERA P.O., THIRUVALLA.**

**BY ADVS.SRI.T.P.PRADEEP
SRI.S.PRAJESH**

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER
THIRUVALLA - 689101**
- 2. THE AGRICULTURAL OFFICER/CONVENER
OF THE LOCAL LEVEL MONITORING COMMITTEE,
KRISHI BHAVAN, ERAVIPEROOR- 689542**

BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT.

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

APPENDIX

- | | | |
|-------------------|----------|--|
| EXT. P1 | - | COPY OF THE SALE DEED DOCUMENT NO.2290/1991 DATED 16.10.1991 OF THIRUVALLA S.R.O. |
| EXT. P1(A) | - | COPY OF THE TAX RECEIPT ISSUED FROM THE VILLAGE OFFICE, ERAVIPEROOR. |
| EXT. P2 | - | COPY OF THE PHOTOGRAPH OF THE LAND. |
| EXT. P3 | - | COPY OF THE REPORT OF THE 2ND RESPONDENT DATED 13.02.2014. |
| EXT. P4 | - | COPY OF THE RELEVANT PAGE OF THE DATA BANK PREPARED BY THE 2ND RESPONDENT. |
| EXT. P5 | - | COPY OF THE REPRESENTATION DATED 29.12.2014. |

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//TRUE COPY//

P.A. TO JUDGE

DST

C.K. ABDUL REHIM, J.

W.P.(C)No.3180 of 2015

Dated this the 2nd day of February, 2015

JUDGMENT

Limited relief sought for in this writ petition is to direct the 1st respondent to consider Ext.P5 application submitted under the Kerala Land Utilisation Order and to permit the petitioner to utilise the land in question for purposes other than agricultural activities.

2. Learned counsel for the petitioner points out that this court in its decisions in **Praveen K. v. Land Revenue Commissioner, Thiruvananthapuram and Others [2010(2) KHC 499 (DB)]**, **Sunil v. Killimangalam-Panjai 5th ward, Nellulpadaka Samootham [2012 (4) KLT 511]** and in **Ruby Soney v. State of Kerala and Others [2014 (1) KHC 556]** held that the permission for utilisation can be granted by the competent authority under KLU order, in specific circumstances.

3. Learned Government Pleader appearing on behalf of the respondents submitted that there is no impediment in considering Ext.P5 application and in taking an appropriate decision in accordance with law.

4. Therefore this writ petition is disposed of by directing the 1st respondent to consider Ext.P5 in the light of the decisions mentioned above and based on settled legal position on the subject, if necessary after affording opportunity of personal hearing to the petitioner.

A decision on the request made under Ext.P5 shall be taken at the earliest possible at any rate, within a period of six weeks from the date of receipt of copy of this judgment.

Sd/-**C.K. ABDUL REHIM**
JUDGE