

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 4276 of 2015 (H)

PETITIONER(S):

**MAVI M.V.
W/O.V.G SURENDRAN, 'CHOOKKATH HOUSE, MAVOOR P.O
KOZHIKODE PIN - 673 661.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN
SRI.JOSEPH GEORGE(MULLAKKARIYIL)**

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER, P.O.CIVIL STATION,
CALICUT CIVIL STATION,
PIN 673 582.**
- 2. CONVENOR,
LOCAL LEVEL MONITORING COMMITTEE, VILLAGE, MAVOOR,
KOZHIKODE 673 661.**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE, PIN 673 582.**
- 4. VILLAGE OFFICER,
MAVOOR VILLAGE, KOZHIKODE 673 582.**
- 5. SECRETARY,
MAVOOR GRAMA PANCHAYAT, MAVOOR, KOZHIKODE 673 582.**

R1 TO R4 BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 4276 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 :TRUE COPY OF THE LETTER DATED 10-06-2014 ISSUED BY VILLAGE
OFFICER,MAVOOR VILLAGE.**

**EXHIBIT P2 :TRUE COPY OF THE REPRESENTATION DATED 28-05-2012 SUBMITTED
BY PETITIONER TO 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.4276 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

Petitioner is the owner of the property having an extent of 10 cents comprised in Survey No.167/4 (Re.Sy.No.58/1) of Mavoor Village, Kozhikode District. The petitioner approached the second respondent for granting a building permit so as to effect construction of a building in the property, which however was not positively dealt with, stating that the property was described as 'nilam' in the revenue records. It is contended by the petitioner that, the property is not a 'paddy land' or 'wet land' as defined under Sections 2(xii) and 2(xviii) of Act 28 of 2008. The physical nature of the property is also discernible from Ext.P1 report of the Village Officer. It is asserted from the part of the petitioner that the property is not included in the Data Bank Register. The petitioner approached the first respondent by filing Ext.P2 representation as early as on 28.05.2012, referring to the laxity on the part of the

Agricultural Officer, Mavoor with reference to the relief sought for, by filing a petition for getting appropriate relief. The matter is still lying in the cold storage and hence the present writ petition for directing the concerned respondents to consider the application for building permit to construct the residential building.

2. Heard the learned Government Pleader as well.

3. The law now stands well settled that, if the property is not a 'paddy land' or 'wet land' as defined under Act 28 of 2008, the parties are at liberty to make use of the property for other purpose subject to orders passed by the competent authority with reference to the mandate of Clause 6(2) of the Kerala Land Utilisation Order.

4. In the above circumstances, the petitioner is set at liberty to file a proper petition before the first respondent within 'two weeks' from the date of receipt of a copy of this judgment, upon which, the same shall be considered and appropriate orders shall be passed in accordance with law, after affording an opportunity of hearing to the petitioner and also in the light of the observation made by the Apex Court in

the decision reported in **Revenue Divisional Officer Vs. Jalaja Dileep (2015 (1) KLT 984 (SC)**, at the earliest, at any rate, within 'six weeks' thereafter.

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

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

sp