

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 5083 of 2015 (I)

PETITIONER:

**K.V.KRISHNANKUTTY,
SON OF SRI.VALLON, KOCHUMOLATH HOUSE,
VARIKKOLI P.O, ERNAKULAM-682 308.**

BY ADV. SRI.S.M.PREM

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION,
KAKKANAD, ERNAKULAM - 682 030.**
- 2. THE VILLAGE OFFICER,
THIRUVANIYUR VILLAGE,
THIRUVANIYUR P.O, ERNAKULAM - 682 038.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 5083 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1 - TRUE COPY OF THE APPLICATION DATED 12-1-2015 SUBMITTED BY
THE PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXT.P2 - TRUE COPY OF THE FAIR VALUE NOTIFICATION SHOWING THE
NATURE OF THE PETITIONER'S PROPERTY AS RESIDENTIAL PLOT
WITH ROAD ACCESS, FIXING THE FAIR VALUE AT RS.1,00,000/- PER
ARE.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5083 of 2015

Dated this the 27th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) issue a writ of mandamus or such other writ, direction or order compelling the 1st respondent to take a decision on Exhibits P1 application on merits and to grant permission under Clause (6) of the KLU Order to utilise the petitioner's land of 5.40 Ares (13.343 cents) of land comprised in Resurvey No.148/5 in Block No.40 of Thiruvaniyur Village in Kunnathunadu Taluk of Ernakulam District for any purpose other than cultivation amending the entries in the BTR as 'converted dry land' instead of 'nilam', within a time limit to be fixed by this Honourable Court;*
- (ii) issue such other writ, direction or order as is deemed just and necessary in the facts, features and circumstances of the case.”*

2. Heard the learned Government Pleader as well.

3. 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 stands disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P1, for granting permission to utilize the land for any purpose other than cultivation amending the entries in the BTR as 'converted

dry land' instead of 'nilam', after conducting site inspection. It shall be done, in accordance with law, after affording an opportunity of hearing to the petitioner at the earliest, at any rate within, 'two months' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Pn