

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 6174 of 2015 (V)

PETITIONER(S):

1. T.A.ZAKEER, S/O.ABOOBACKER,
THANNIKKAL HOUSE,
THODUPUZHA EAST & POST, THODUPUZHA.
2. SHIYAS, S/O.HAMEED,
MARAVETTIKKAL HOUSE,
THODUPUZHA EAST & POST, THODUPUZHA
3. NIZAMUDHEEN P.P,
S/O.PAREEKUTTY, PADIPURACKAL HOUSE,
THODUPUZHA EAST & POST, THODUPUZHA.

BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH
MOHAMMED ABBAS M.I.

RESPONDENT(S):

1. DISTRICT COLLECTOR,
IDUKKI - 685501.
2. THE VILLAGE OFFICER,
THODUPUZHA - 685584.
3. THE REVENUE DIVISIONAL OFFICER,
THODUPUZHA - 685584.

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 6174 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 : A TRUE COPY OF THE SALE DEED NO.1970 DATED 02.07.2012.

**EXHIBIT P2 : A TRUE COPY OF THE BASIC TAX RECEIPT NO.4413802
DATED 8.8.2012.**

**EXHIBIT P3 : A TRUE COPY OF THE JUDGMENT DATED 11.9.2013 IN W.P.(C)NO.8164
OF 2013.**

EXHIBIT P4 : A TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT.

**EXHIBIT P5 : A TRUE COPY OF THE ARGUMENT NOTE DATED 21.5.2014 BY THE
COUNSEL FOR THE PETITIONERS.**

**EXHIBIT P6 : A TRUE COPY OF THE REPORT OF THE AGRICULTURAL FIELD
OFFICER, THODUPUZZHA DATED 9.11.2012.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.6174 of 2015

Dated this the 19th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

- i. Declare that the provisions of the Wet Land Act are not applicable to the property covered by Ext.P1 document.*
- ii. Issue a writ in the nature of Mandamus or any other appropriate writ, direction or order commanding the respondents to pass final orders on the application submitted by the petitioners and pursuant to the hearing conducted as evidence by Ext.P4 notice.*
- iii. Issue a writ in the nature of Mandamus or any other appropriate writ, direction or order commanding the respondents to allow the petitioners to level the land and put up construction over the same without insisting on any permission.*

2. The learned counsel for the petitioners points out that in spite of the specific direction given by this Court as per Ext.P3 judgment dated 11.9.2013 in W.P.(C) No.8164 of 2013 and the notice of hearing given to the petitioners vide Ext.P4, the proceedings were not finalized by the first respondent. It is in the

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said circumstances, that the petitioners are constrained to approach this Court by filing the writ petition.

3. The learned Special Government Pleader submits on instructions that pursuant to the judgment and notice of hearing as aforesaid the matter was heard and final orders were passed, rejecting the application preferred by the petitioners under the relevant provision of the Kerala Land Utilistion Order. It is also stated that a copy of the order bearing No.C9-15147/2014 dated 31.8.2014 was forwarded to the petitioners on 11.12.2014. A copy of the order is handed over to the learned counsel for the petitioners by the learned Special Government Pleader.

In the above circumstances, the writ petition is disposed of without prejudice to the rights and liberties of the petitioners to challenge the said order, in accordance with the relevant provisions of law.

Sd/-

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

rkc.