

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 7062 of 2015 ()

PETITIONER(S):

**JOHNY VARGHESE AGED 49 YEARS
S/O.PONNUSE VARGHESE, NERIYATHARA, KURICHY P.O.
KURICHIY VILLAGE, CHANGANASSERY TALUK
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

**THE REVENUE DIVISIONAL OFFICER
(RDO) KOTTAYAM, KOTTAYAM DISTRICT - 686 533**

BY SRI K.C.VINCENT, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 7062 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: COPY OF THE TITLE DEED DATED 29/05/2006 NO. 1744/2006 OF CHANGANASSERY SUB REGISTRAR OFFICE.**
- EXT.P2: COPY OF THE TAX RECEIPT DATED 29/04/2014 ISSUED BY THE KURICHY VILLAGE OFFICER IN CONNECTION WITH THE SAID PROPERTY.**
- EXT.P3: COPY OF THE POSSESSION CERTIFICATE DATED 26/02/2015 ISSUED BY THE KURICHY VILLAGE OFFICER.**
- EXT.P4: COPY OF THE LOCATION SKETCH DATED 26/02/2015 ISSUED BY THE KURICHY VILLAGE OFFICER.**
- EXT.P5: COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK ISSUED BY THE VILLAGE OFFICER, KURICHY VILLAGE**
- EXT.P6: COPY OF THE APPLICATION DATED 23/01/2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT UNDER THE PROVISIONS OF THE KERALA LAND UTILIZATION ORDER, 1967.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A.TO JUDGE

JV

P.R. RAMACHANDRA MENON, J.

W.P.(C).No.7062 of 2015

Dated this the 5th day of March, 2015

JUDGMENT

Petitioner is the owner of the property covered by Ext.P1 title deed bearing Sy.No.354/2 of Kurichy Village, Changanassery Sub Registrar Office, who is enjoying the same also remitting tax a borne by Ext.P2 tax receipt and Ext.P3 possession certificate and Ext.P4 location sketch issued by the concerned village officer.

2. Case of the petitioner is that the property is not a paddy land or wet land as defined under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 and the same not included in data bank register as disclosed from Ext.P5. Still the property remains to be shown as 'nilam' in the Revenue Records. The petitioner is required to make use of the property for other purpose other than agricultural purpose and it is in the said circumstance that the petitioner has moved the respondent by filing Ext.P6 petition under Clause 6(2) of the Kerala Land Utilization Order. Prayer is to cause the same to be considered and disposed of within a reasonable time.

3. During the course of hearing, it is brought to the notice of this Court that the nature of property has been shown as 'converted land' having effected reclamation prior to about 15 years prior to commencement of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 as borne from the relevant page of draft data bank register produced as Ext.P5. Under such circumstance, the course of action to be pursued is to consider the matter in terms of the Kerala Land Utilization Order as made clear by the Full Bench of this Court as also the decision reported in **Praveen K. v. Land Revenue Commissioner [2010 (2) KLT 617]**.

4. Heard the learned Special Government Pleader as well.

5. Considering the limited extent of relief sought for, this Court does not find it absolute to go into the merits of the case.

6. The Writ Petition is disposed of, directing the respondent to consider and pass appropriate orders on Ext.P6 in accordance with law, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along

with a copy of the writ petition before the respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

jv