

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 10800 of 2013 (Y)

PETITIONER(S):

**AMCP MANAGING COMMITTEE TRUST,
VAVVAKKAVU P.O., KARUNAGAPPLLY7, KOLLAM,
REP. BY ITS SECRETARY, SHAMLA MAJEED.**

**BY ADVS.SRI.M.PASHOK KUMAR
SRI.S.A.ABDUL SALEEM**

RESPONDENT(S):

- 1. REVENUE DIVISION OFFICER,
KOLLAM, PIN:691 001.**
- 2. KULESHAKRAPURAM PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KARUNAGAPPILLY TALUK,
KOLLAM DISRICT, PIN:690 544.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMED SHAFFI M.
R2 BY ADVS. DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.ELDHO V.THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10800 of 2013 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: PHOTOCOPY OF STOP MEMO DATED 29.4.08 ISSUED BY THE VILLAGE OFFICER.

EXHIBIT P2: PHOTOCOPY OF THE REPORT DATED 6.5.08 OBTAINED BY THE PETITIONER UNDER THE RTI ACT.

EXHIBIT P3: PHOTOCOPY OF THE REPORT DATED 27.6.08.

EXHIBIT P4: PHOTOCOPY OF REPORT DATED 17.7.2008.

EXHIBIT P5: PHOTOCOPY OF THE LETTER DATED 12.8.08.

EXHIBIT P6: PHOTOCOPY OF THE CERTIFICATE DATED 4.4.2012 ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KULEGSHKARAPURAM.

EXHIBIT P7: PHOTOCOPY OF THE APPLICATION DATED 5.9.2012.

EXHIBIT P8: PHOTOCOPY OF THE ORDER DATED 18.2.2013 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M. SHAFFIQUE, J.

=====

W.P. (C) No. 10800 of 2013

=====

Dated this, the 13th day of October, 2015

J U D G M E N T

Petitioner has approached this Court challenging rejection of his application for development permit. The Panchayat had rejected the application as per Ext.P8 stating that without the permission of the revenue authorities for changing the nature of land, development permit cannot be granted.

2. It is brought to the notice of this Court by the learned counsel for the petitioner that there is no entry in the data bank particulars regarding the nature of land. However, it is admitted that as per the Basic Tax Register, the property is described as 'nilam'.

3. Having regard to the aforesaid factual situation, I am of the view that in the light of the judgment of the Supreme Court in ***R.D.O., Fort Kochi v. Jalaja Dileep*** (2015 (1) KLT 984), in order to change the entry in the Basic Tax Register, definitely an application has to be filed before the Revenue Divisional Officer seeking conversion under the Kerala Land Utilization Order, 1967.

-:2:-

If the property has already been converted, it is always open for the Revenue Divisional Officer to pass appropriate orders. This, however, is a matter to be considered by the Revenue Divisional Officer taking into consideration the factual circumstances involved in the matter.

In the light of the aforesaid circumstances, this writ petition is disposed of as under;

(1) The petitioner shall file an application before the Revenue Divisional Officer under Clause (6) of the Kerala Land Utilization Order, which shall be considered by the Revenue Divisional Officer and appropriate orders shall be passed within a period of three months from the date of receipt of a copy of this judgment.

(2) Subject to the decision of Revenue Divisional Officer as aforesaid, it shall be open for the petitioner to approach the revenue authority for making necessary corrections in the Basic Tax Register.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

14/10/2015