

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 8168 of 2015 (U)

PETITIONER:

1. SHOBHANA V. NAIR,
804,
AKARIA ARCADE,
ERNAKULAM NORTH,
KOCHI 682 018.

2. T.J.VASAN NAIR,
804,
AKARIA ARCADE,
ERNAKULAM NORTH
KOCHI 682 018.

BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM- 695001.

2. THE DISTRICT COLLECTOR,
ERNAKULAM- 682030.

R1 & R3 BY (SR) GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF THE REPRESENTATION DATED 5/7/2013 OF THE PETITIONER SUBMITTED TO THE 2ND RESPONDENT.
- EXHIBIT P2:** TRUE COPY OF THE REPORT DATED 1/8/2013 OF THE AGRICULTURAL FIELD OFFICER, KRISHI BHAVAN, ALUVA.
- EXHIBIT P3:** TRUE COPY OF THE REPORT DATED 23/8/2013 OF THE 2ND RESPONDENT.
- EXHIBIT P4:** TRUE COPY OF THE NO OBJECTION LETTER DATED 12/8/2013 OF THE 2ND RESPONDENT.
- EXHIBIT P5:** TRUE COPY OF THE CIRCULAR DATED 19/4/2013 OF THE 2ND RESPONDENT.
- EXHIBIT P6:** TRUE COPY OF THE ORDER DATED 21/10/2013 OF THE LAND REVENUE COMMISSIONER.
- EXHIBIT P7:** TRUE COPY OF THE JUDGMENT DATED 19/8/2014 IN WPC NO.30533/2013 OF THE HONOURABLE HIGH COURT.
- EXHIBIT P8:** TRUE COPY OF THE REPRESENTATION DATED 22/9/2014 SUBMITTED TO THE LOCAL LEVEL MONITORING COMMITTEE.
- EXHIBIT P9:** TRUE COPY OF THE ORDER DATED 2/12/2014 OF THE LOCAL LEVEL MONITORING COMMITTEE.
- EXHIBIT P10:** TRUE COPY OF THE REPRESENTATION DATED 28/2/2015 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8168 of 2015

Dated this the 17th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i) Issue a writ of mandamus or such other writ, direction or order compelling the 2nd respondent to consider Exhibits P10 application affording opportunity of hearing to the petitioner within a time frame to be fixed by this Honourable Court and to grant permission to the petitioner to develop the land, under clause 6(2) of the Kerala Land Utilisation Order, in the light of Exhibits P2 to P4 and P9:

ii) Issue such other writ, direction or order as is deemed just and necessary in the facts, features and circumstances of the case."

2. Grievance of the petitioners is with regard to the delay in considering Ext.P10 representation filed by the petitioners before the 2nd respondent.

3. Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P10 representation, after getting a

report from the Local Level Monitoring Committee and also affording an opportunity of hearing to the petitioners, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

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

sp