

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. 8359 of 2015 (T)

PETITIONER(S):

1. SALIM P A, AGED 41 YEARS,
S/O ABUBAKKER, PALLATHUKATTIL, NJALAKAM KARAYIL,
TRIKKAKKARA NORTH VILLAGE, ERNAKULAM.
2. SHIJILA, AGED 35 YEARS,
W/O SALIM P.A, PALLATHUKATTIL, NJALAKAM KARAYIL,
TRIKKAKKARA NORTH VILLAGE, ERNAKULAM.
3. NIZAR, S/O MUHAMMED,
AGED 55 YEARS, ANJIKATH, PALLILAM KARA,
KALAMASSERY, ERNAKULAM.

**BY ADVS.SRI.JAISHANKAR V.NAIR
SMT.ARATHI KARUNAKARAN
SMT.PARVATHY S.KRISHNAN**

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
ERNAKULAM CIVIL STATION, KAKKANAD, ERNAKULAM- 682030.
2. THE THAHASILDAR,
ALUVA TALUK, ERNAKULAM- 683 101.
3. THE VILLAGE OFFICER,
MOOKKANNOOR VILLAGE OFFICE, ALUVA, ERNAKULAM- 683 101.
4. THE AGRICULTURAL OFFICER,
MOOKKANNOOR VILLAGE OFFICE, ALUVA, ERNAKULAM- 683 101.

R BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE.

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

AD/

WP(C).No. 8359 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE APPLICATION DATED 23/01/2015.

EXHIBIT P2- TRUE COPY OF THE REPORT DATED 11/2/2015.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8359 of 2015

Dated this the 17th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"1. To issue a writ of mandamus or other appropriate writs or orders commanding the 1st respondent herein to immediately consider Exhibit P1 application of the petitioners and pass orders on the same immediately.

2. To issue a writ of mandamus or other appropriate writs or orders commanding the 1st respondent to grant permission to the petitioners to utilize the land for other purpose under the Kerala Land Utilization Order, 1967.

3. To declare that the land of the petitioners comprised in Re-sy No.75/2, 75/5-2, 75/3-2, 75/3-3, 75/7-3, 75/8-3, 75/8-4, 75/8-5, 75/8-6 of Block No.16 of Mookkannoor Village, Aluva, Ernakulam is 'Converted Land' and grant permission to the petitioners to utilize the land for other purpose."

The learned counsel for the petitioners submits that the only prayer is to cause Ext.P1 to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well, who submits that Ext.P1 is not a proper petition in terms of clause 6 of the KLU Order as evident from the last sentence of the request, whereby the relief sought for is to convert the nature and classification of the land as dry land/reclaimed land. In the

BTR it is shown as paddy land. By virtue of the law declared by Apex Court as per the decision reported in **Revenue Divisional Officer v. Jalaja Dileep** (2015(1) KLT 984) (SC), the classification cannot change the BTR. However, if the petitioner files a proper application under Clause 6(2) of the KLU Order, the same will be considered and appropriate orders will be passed within the reasonable time.

3. In the said circumstance, the petitioners are set at liberty to file an application under Clause 6(2) of the KLU Order before the 1st respondent within 'two weeks' from the date of receipt of a copy of this judgment upon which the same shall be considered and appropriate orders shall be passed in accordance with law, after calling for a report from the 4th respondent with regard to the nature of the land in question. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

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