

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C) .No. 8578 of 2015 (V)

PETITIONER(S) :

PAUL,
AGED 56 YEARS, S/O. ENASHU,
THARAYILMURIYADAN, PARAVATTANI P.O.,
ULLOOKARA VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S) :

1. REVENUE DIVISIONAL OFFICER,
THRISSUR,
THRISSUR DISTRICT - 680 001.
2. THE DISTRICT COLLECTOR,
THRISSUR, CIVIL STATION,
THRISSUR DISTRICT - 680 001.
3. THE VILLAGE OFFICER,
KALLOOR VILLAGE,
THRISSUR DISTRICT - 680 001.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE TITLE DEED DATED 13.10.2014
NO.3901/2014 OF NELLAYI SUB REGISTRAR OFFICE.

EXHIBIT P2: TRUE COPY OF THE TAX RECEIPT DATED 18.11.2014 ISSUED
BY THE KALLOOR VILLAGE OFFICER IN CONNECTION WITH THE
SAID PROPERTY.

EXHIBIT P3: TRUE COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK
ISSUED BY THE VILLAGE OFFICER, KALLOOR VILLAGE.

EXHIBIT P4: TRUE COPY OF THE APPLICATION DATED 27.2.2015 SUBMITTED
BY THE PETITIONER BEFORE THE FIRST RESPONDENT WITH
COPY TO THE SECOND RESPONDENT UNDER THE PROVISION OF
THE KERALA LAND UTILIZATION ORDER, 1967

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8578 of 2015

Dated this the 18th day of March, 2015

JUDGMENT

Petitioner is the owner of the property having an extent of 18.64 Ares of land in Survey No.615/1 of Kalloor Village, Mukundapuram Taluk, Thrissur District, covered by Ext.P1 title deed, which is not a 'paddy land' or 'wet land' as defined under Act 28 of 2008. It is stated that the petitioner has effected necessary tax as evident from Ext.P2 tax receipt. Reliance is also sought to be placed on Ext.P3 Draft Data Bank Register, which shows that the property is not included as a 'paddy land' and the same is included as a converted land. It is in the said circumstances that, the petitioner has already moved the first respondent by filing Ext.P4 application under the relevant provisions of the Kerala Land Utilisation Order and the prayer is to cause the same to be considered, so as to enable the petitioner to make use of the property for the purpose, than

agricultural purpose.

2. Heard the learned Government Pleader as well.

3. If the property was not lying as a 'paddy land' or 'wet land' as on the date of commencement of the Act, provisions of Act 28 of 2008 are not attracted.

4. In the said circumstances, the petitioner is at liberty to seek for relief with reference to the provisions of Kerala Land Utilisation Order as made cleared by this Court and also by the Apex Court on many an occasion. The latest ruling on the point rendered by the Apex Court is in **Revenue Divisional Officer Vs. Jalaja Dileep (2015 (1) KLT 984 (SC)**. The legal position has been made cleared by another Single Bench of this Court as per the decision reported in **Archana Varghese V. District Collector [2015 (1) KLT 937]**.

In the said circumstances, there will be a direction to the first respondent to pass appropriate orders on Ext.P4 application in the light of the above decisions as well, of course after affording an opportunity of hearing to the petitioner, at the

earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

The writ petition is disposed of.

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

sp