

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 9722 of 2015 (M)

PETITIONER :

**SUNITHA THOMAS,W/O. BABU K.,
KADAPPILARIL HOUSE, NIRANAM CENTRAL P.O.,
THIRUVALLA, REPRESENTED BY HER POWER OF ATTORNEY HOLDER
K.P.MATHEW, KADAPPILARIL HOUSE, NIRANAM CENTRAL P.O.,
THIRUVALLA.**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
THIRUVALLA-689 101.**
- 2. THE AGRICULTURAL OFFICER/CONVENER OF THE LOCAL LEVEL
MONITORING COMMITTEE, KRISHI BHAVAN, NIRANAM-689 621.
PATHANAMTHITTA DISTRICT.**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 9722 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF THE SETTLEMENT DEED DOCUMENT NO.211/2014 DTD. 26.2.2014
REGISTERED IN SUB REGISTRAR OFFICE, KADAPRA.**

**P2 : COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT
DTD. 6.3.2015.**

P3 : COPY OF THE PHOTOGRAPH OF THE LAND.

P4 : COPY OF THE REPRESENTATION DTD. 10.2.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9722 of 2015

Dated this the 27th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ, order or direction commanding 1st respondent to allow the petitioner to utilize the land comprising in Resurvey No.217/8 of Niranam Village as per Settlement Deed document No.211/2014 of Sub Registrar Office, Kadapra, in the light of clause 6 of the Land Utilization Order, 1967 for other purposes than agricultural activities.

ii. Issue a writ of mandamus or any other appropriate writ, order or direction, commanding 1st respondent to dispose of Ext.P4 representation forthwith.

iii. Issue such other appropriate writ, order or direction as this Hon'ble Court deem fit and proper in the circumstances of the case."

According to the petitioner, the property concerned is a 'dry land' and is not a 'paddy land' or 'wet land' as per the definition under Sections 2(xii) and 2(xviii) of the Act 28 of 2008. The factual position has been reported vide Ext.P2 to the effect that the property is not included in the Data Bank Register. The learned counsel for the petitioner submits that the grievance of

the petitioner has also been projected by way of Ext.P4 representation which is pending consideration before the 1st respondent and the prayer is only to cause the same to be considered and disposed within a reasonable time.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P4 in accordance with law, after calling for a report from the 2nd respondent and after affording an opportunity of hearing to the petitioner. The proceedings as above shall be finalized at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

kp/-