

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 9797 of 2015 (Y)

PETITIONERS :

1. MUHAMMED IQBAL, AGED 44 YEARS
S/O.K.K.ALI, PALLATH HOUSE, KALAMASSERY P.O.,
THRIKKAKARA NORTH VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.
2. P.A.SHANAVAS, AGED 42 YEARS,
PALLATH HOUSE, KALAMASSERY P.O.,
THRIKKAKARA NORTH VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.
3. RAFAEEK ZAKARIA, AGED 40 YEARS
PALLATH HOUSE, KALAMASSERY P.O.,M
THRIKKAKARA NORTH VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

1. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI, ERNAKULAM DISTRICT, PIN-682 001.
2. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, PIN-682 030.

R1 & R2 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1	TRUE COPY OF THE SETTLEMENT DEED NO.1527/2014 OF SUB REGISTRY OFFICE, EDAPPALLY.
EXT.P2	TRUE COPY OF THE SETTLEMENT DEED NO.4059/2014 OF SUB REGISTRY OFFICE, EDAPPALLY.
EXT.P3	TRUE COPY OF THE TAX RECEIPT (2 NOS.) DATED 12.2.2015 ISSUED BY THE VILLAGE OFFICER,THRIKKAKARA NORTH VILLAGE TO THE FIRST PETITIONER.
EXT.P4	TRUE COPY OF THE SETTLEMENT DEED NO.4061/2014 OF SUB REGISTRY OFFICE, EDAPPALLY.
EXT.P5	TRUE COPY OF THE TAX RECEIPT DATED 31.1.2015 ISSUED BY THE VILLAGE OFFICER,THRIKKAKARA NORTH VILLAGE TO THE SECOND PETITIONER.
EXT.P6	TRUE COPY OF THE SETTLEMENT DEED NO.1526/2014 OF SUB REGISTRY OFFICE, EDAPPALLY.
EXT.P7	TRUE COPY OF THE SETTLEMENT DEED NO.4060/2014 OF SUB REGISTRY OFFICE, EDAPPALLY.
EXT.P8	TRUE COPY OF THE TAX RECEIPT (2 NOS.) DATED 7.2.2015 ISSUED BY THE VILLAGE OFFICER,THRIKKAKARA NORTH VILLAGE TO THE SECOND PETITIONER.
EXT.P9	TRUE COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK OF THRIKKAKARA NORTH VILLAGE ISSUED BY THE VILLAGE OFFICER,THRIKKAKARA NORTH VILLAGE.
EXT.P10	TRUE COPY OF THE APPLICATION DATED 2.2.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT UNDER THE PROVISIONS OF THE KERALA LAND UTILIZATION ORDER,1967.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9797 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- “i. Issue a writ of mandamus or any other appropriate writ, order or direction to the first respondent to receive, consider and dispose exhibit P10 application submitted by the petitioners within a reasonable period fixed by this Honourable court.*
- ii. Direct the first respondent to allow the petitioners to use their land for other purposes beneficial to them.*
- iii. Issue such other writ or orders or directions, which this Honourable court may deem fit and proper in the interest of justice and circumstances of the case.”*

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief sought for, this Court does not find it necessary to go into the merit of the case. The writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P10 seeking for enabling the petitioners to make use of the property other than agricultural purpose, in accordance with law. It shall be done, after calling for a report from the Local Level Monitoring

Committee and after 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.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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