

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 10484 of 2015 (I)

PETITIONER(S) :

**PRAVEESH.M, AGED 36 YEARS,
S/O.M.VIJAYANARAYANAN, AMRITHAKEERTHI APARTMENT,
C-2, KEERTHINAGAR, ELAMAKKARA, COCHIN-682 026.**

BY ADV. SRI.ANOOP.V.NAIR

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOZHIKKODE (DISTRICT), PIN-673 001.**
- 2. THE REVENUE DIISIONAL OFFICER,
KOZHIKKODE (DISTRICT), PIN-673 001.**
- 3. THE AGRICULTURAL OFFICER,
KRISHIBHAVAN, KOZHIKODE(DISTRICT), PIN-673 001.**
- 4. DISTRICT LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENOR,
KOZHIKODE CORPORATION, VELLAYIL PO,
KOZHIKODE, PIN-673 032.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R4 BY ADV. SRI.K.D.BABU, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 10484 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE LAND TAX RECEIPT DATED 11.07.2014.

**EXHIBIT P2: TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURE
OFFICER, KOZHIKKODE DATED 11.03.2015.**

**EXHIBIT P3: TRUE APPLICATION DATED 12.03.2015 SUBMITTED BY
THE PETITIONER BEFORE THE RDO, KOZHIKKODE.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.10484 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The case of the petitioner is that, the property having an extent of 33.5 cents comprised in Resurvey No.46/6A of Vengery Village in Kozhikkode District, belonging to the petitioner, is a 'garden land' and that the same is not included in the Data Bank Register as revealed from Ext.P2 Certificate issued by the Agricultural Officer, Kozhikkode.

2. The petitioner has already moved the 2nd respondents by filing Ext.P3 application under Clause 6(2) of the Kerala Land Utilisation Order and the prayer is to cause the same to be considered and disposed of, so as to enable the petitioner to make use of the property for other purposes, than agricultural purpose.

3. Heard the learned Government Pleader as well.

4. If a property is not covered by the provisions of Act 28 of 2008 and the conversion has been effected prior to the commencement of the said Act, it is open for the parties concerned to make use of the property for other purposes in view of the law already declared by this Court on the point. Even as

per the recent verdict passed by the Hon'ble Supreme Court in **Revenue Divisional Officer Vs. Jalaja Dileep [2015 (1) KLT 984(SC)]**, it is mentioned that under such circumstances, proper application has to be filed under the Kerala Land Utilisation Order and it will be for the competent authority to have the same considered, so as to extend the necessary relief.

5. In the said circumstances, there will be a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P3 in accordance with law, after calling for a report from the 3rd respondent and also affording an opportunity of hearing to the petitioner in the light of Ext.P2 and all other relevant records, which shall be done 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 this judgment, along with a copy of the writ petition, before the second respondent, for further steps.

The writ petition is disposed of.

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

sp