

**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. 10551 of 2015 (T)**  
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**PETITIONER(S) :**  
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**GEORGE POULOSE, AGED 64 YEARS,  
S/O.POULOSE, MATHIRAPILLY HOUSE, ANALOOR P.O,  
THRISSUR - 680 731.**

**BY ADVS.SRI.AVANEESH KOYIKKARA  
SRI.LINDONS C.DAVIS**

**RESPONDENT(S) :**  
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- 1. STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF AGRICULTURE, SECRETARIAT,  
THIRUVANANTHAPURAM -695 001.**
- 2. THE DISTRICT COLLECTOR,  
THRISSUR - 680 001.**
- 3. AGRICULTURAL OFFICER,  
KRISHI BHAVAN, ANNAMANADA - 680 001.**

**BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31-03-2015, ALONG WITH W.P(C).NO.10552 OF 2015 AND  
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

Msd.

**WP(C).No. 10551 of 2015 (T)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1: TRUE COPY OF THE LETTER DATED 20/12/2014 ISSUED BY  
THE AGRICULTURE OFFICER, ANNAMANADA ALONG WITH DRAFT  
BANK REGISTER.**

**EXHIBIT-P2: TRUE COPY OF THE APPLICATION DATED 04/12/2014 SUBMITTED  
BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR,  
THRISSUR.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**P.R.RAMACHANDRA MENON, J.**

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**W.P.(C) Nos.10551,10552,10553,10554,  
10555 and 10556 of 2015**

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**Dated this the 31<sup>st</sup> day of March, 2015**

**JUDGMENT**

The issue involved in all these cases is similar and hence these cases are dealt with together.

2. Petitioners are owners of the properties having different extents, comprised in different survey numbers, in different Villages/Talukes/Districts. The properties are stated as dry lands/converted lands and were not remaining as paddy land/wet land as on the date of commencement of Act 28 of 2008. It is in the said circumstances, that the petitioners have moved the 2<sup>nd</sup> respondent by filing Ext.P2 application under Clause 6(2) of the Kerala Land Utilisation Order for permitting the petitioners to make use of the property for other purpose than agricultural purpose. The delay in considering the same made the petitioners to approach this Court by filing these writ petitions.

3. Heard the learned Government Pleader as well.

4. During the course of arguments, it is pointed out that Ext.P1 is the certificate/letter/proceedings issued by the

concerned Agricultural Officer. It is seen from the said proceedings that the property is not included in the Data Bank Register as Paddy land or Wet land. This being the position the matter has to be considered with reference to the provisions of the KLU order, in view of the recent ruling rendered by the Apex Court as per decision reported in **Revenue Divisional Officer v. Jalaja Dileep** (2015(1) KLT 984) (SC).

In the above circumstances, all these writ petitions are disposed of directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders on Ext.P2, in accordance with the relevant provisions of law and also in the light of the observations made by the Apex Court as mentioned above, after affording an opportunity of hearing to the petitioners, and also after calling a report from the 3<sup>rd</sup> respondent/Agricultural Officer which shall be done at the earliest, at any rate within two months from the date of the copy of the judgment. The petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the second respondent, for further steps.

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