

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10648 of 2015 (E)

PETITIONER :

**SUJA CHANDRAN,
W/O.V.M.CHANDRAN,
VADAKKEPURATHU HOUSE
VALANJAVATTOM P.O., THIRUVALLA.**

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

RESPONDENTS :

- 1. REVENUE DIVISIONAL OFFICER,
THIRUVALLA-689101.**
- 2. THE AGRICULTURAL OFFICER/
CONVENOR OF THE LOCAL LEVEL MONITORING COMMITTEE,
KRISHI BHAVAN, KADAPRA-689621.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 10648 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1 TRUE COPY OF THE SALE DEED DOCUMENT NO:214/13 DATED
19.04.2013 REGISTERED IN SUB REGISTRAR OFFICE, KADAPRA.**

**EXT.P2 TRUE COPY OF THE RELEVANT PAGE OF THE DATABANK PREPARED
BY THE 2ND RESPONDENT.**

EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 10.02.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 10648 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. To 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.279/5-3 of Kadapra Village as per Sale deed document No. 214/2013 of Sub Registrar Office, Kadapra, in the light of Clause 6 of the Land Utilisation 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.P3 representation forthwith."

The learned counsel for the petitioner submits that the only prayer is to cause Ext.P3 to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well, who submits that by virtue of the law declared by Apex Court as per the decision reported in **Revenue Divisional Officer v. Jalaja Dileep** (2015(1) KLT 984) (SC), the classification cannot be changed in the the BTR. However, if a proper application is filed

under Clause 6(2) of the KLU Order, it will be considered and appropriate orders will be passed within reasonable time.

3. The learned counsel for the petitioner submits that Ext.P3 may be considered and dealt with accordingly.

4. In the said circumstance, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P3 in accordance with law, with reference to Clause 6(2) of the KLU Order, after calling for a report from the 2nd respondent with regard to the nature of the land in question and after hearing, in the light of the law declared by the Apex Court as per the decision cited supra. This shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of the 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.