

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. 10747 of 2015 (P)

PETITIONER(S):

**SANDYA DEVI, W/O.UDAYABANU,
AGED 40 YEARS, VISHAKAM,
VARANAM. P.O., THANNEERMUKKAM NORTH VILLAGE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER (R.D.O),
ALAPPUZHA, ALAPPUZHA DISTRICT - 688 555.**
- 2. THE DISTRICT COLLECTOR,
ALAPPUZHA DISTRICT - 688 555.**

BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE SETTLEMENT DEED OF THE PETITIONER
27.01.2014 NO.495/2014 OF PUTHANAMBALAM SUB REGISTRAR
OFFICE.
- EXT.P2: TRUE COPY OF THE TAX RECEIPT DATED 26.02.2014 ISSUED BY THE
THANNEERMUKKAM NORTH VILLAGE OFFICER.
- EXT.P3: TRUE PHOTOGRAPHS OF THE PROPERTY OF PETITIONER.
- EXT.P4: TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL
OFFICER, KRISHI BHAVAN, KANJIKUZHI DATED 19.12.2013
CERTIFYING THAT THE LAND OF THE PETITIONER IS NOT INCLUDED
IN THE DRAFT DATA BANK.
- EXT.P5: TRUE COPY OF THE APPLICATION DATED 26.02.2014 SUBMITTED BY
THE PETITIONER BEFORE THE FIRST RESPONDENT WITH COPY TO
THE SECOND RESPONDENT UNDER THE PROVISIONS OF THE
KERALA LAND UTILIZATION ORDER, 1967.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 10747 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The case of the petitioner is that, the property of the petitioner is wrongly mentioned as 'Nilam' in the Village records and in the basic tax register, but there is no cultivation in the said land for about past 25 years. It is stated that the property of the petitioner has been shown as converted land in the Draft Data Bank Register. The factual position is sought to be substantiated with reference to Ext.P3 photographs and Ext.P4 Certificate issued by the Agricultural Officer, who is the convener of the Local Level Monitoring Committee. The only prayer is to cause Ext.P5 application to be considered and disposed of by the first respondent in terms of the relevant provisions of the KLU Order.

2. Heard the learned Government Pleader as well.

3. In respect of the property which are not covered by the Act 20 of 2008, the remedy is to approach the competent authority, as per the decision of the Apex Court reported in

Revenue Divisional Officer v. Jalaja Dileep (2015(1) KLT 984) (SC).

In the said circumstance, there will be a direction to the 1st respondent to consider and pass appropriate orders on Ext.P5 in accordance with law, after calling for a report from the Agricultural Officer as above and after hearing the petitioner, at the earliest, at any rate, within 'three 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 concerned respondent for further steps.

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