

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. 10793 of 2015 (Y)

PETITIONER(S) :

**ARUL JOSEPH, AGED 45 YEARS,
S/O.ANTONY, MALIACKAL HOUSE, RAJAGIRI P.O.,
ERNAKULAM DISTRICT - 683 104.**

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

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. LOCAL SELF MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENER, AGRICULTURAL OFFICER,
KRISHI BHAVAN, ALOOR, THAZHEKKAT P.O.,
THRISSUR DISTRICT - 680 697.**
- 3. AGRICULTURAL OFFICER,
KRISHI BHAVAN, ALOOR, THAZHEKKAT P.O.,
THRISSUR DISTRICT - 680 697.**

BY GOVERNMENT 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:**

Msd.

WP(C).No. 10793 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF LETTER DATED 17/12/2014 ALONG WITH
RELEVANT PAGE OF DRAFT DATA BANK REGISTER ISSUED BY
THE 3RD RESPONDENT.**

**EXT.P2: TRUE COPY OF APPLICATION DATED 04/12/2014 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 10793 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"1. To issue a writ of certiorari or any other appropriate writ or order or direction quashing Ext.P1 to extend it showing the petitioners property as paddy land/wet land in the Data Bank Register.

2. To issue a writ of mandamus or any other appropriate writ or order or direction directing the 2nd respondent to consider and pass orders on Ext.P2 after making the physical verification of the land within a time frame fixed by this Hon'ble Court."

The learned counsel for the petitioner submits that the only prayer is to cause Ext.P2 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.P2 may be considered and dealt with accordingly.

4. In the said circumstance, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P2 in accordance with law, with reference to Clause 6(2) of the KLU Order, after calling for a report from the 3rd 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 2nd respondent/Local Level Monitoring Committee for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.