

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937**

**WP(C).No. 11263 of 2015 (G)**  
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**PETITIONER(S) :**  
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1. **MARY GEORGE**  
**POOPALIL HOUSE, 66/3750**  
**CHITTOOR ROAD, KOCHI – 682 035.**
2. **SOSHAMMA ROY**  
**PULLIATTUPUKALAN**  
**MULANTHURUTHY**  
**KOCHI – 682 314.**

**BY ADVS.SMT.K.P.SANTHI**  
**SRI.R.JAYAKRISHNAN (MUTHUKULAM)**  
**SRI.RILGIN V.GEORGE**  
**SMT.E.U.DHANYA**

**RESPONDENT(S) :**  
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1. **STATE OF KERALA**  
**REPRESENTED BY THE SECRETARY TO GOVERNMENT**  
**REVENUE DEPARTMENT**  
**SECRETARIAT, THIRUVANANTHAPURAM – 695 001.**
2. **THE REVENUE DIVISIONAL OFFICER**  
**FORTKOCHI – 682 001.**

**R1 & R2 BY GOVT. PLEADER SRI. JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION**  
**ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE**  
**FOLLOWING:**

**Mn**

**...2/-**

**APPENDIX**

**PETITIONER'S EXHIBITS :**

- EXT.P1 : COPY OF THE POSSESSION CERTIFICATE DATED 4-9-2014 ISSUED BY THE VILLAGE OFFICER, MULANTHURUTHY.
- EXT.P2 COPY OF THE APPLICATION DATED 2-3-2015 SUBMITTED TO THE 2ND RESPONDENT.
- EXT.P3 COPY OF THE RELEVANT PAGE OF THE REPORT OF THE VILLAGE OFFICER.
- EXT.P4 COPY OF THE REPORT DATED 31-5-2013 OF THE ADDITIONAL TAHSILDAR, KANAYANNUR.

**RESPONDENT'S EXHIBITS : NIL**

**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

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

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W.P.(C). No. 11263 of 2015

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Dated this the 7<sup>th</sup> day of April, 2015

**JUDGMENT**

The petitioners have approached this Court with the following prayers:

"i. Issue a writ of mandamus or such other writ, direction or order compelling the 2<sup>nd</sup> respondent to consider Ext.P2 application affording opportunity of hearing to the petitioner within a time frame to be fixed by this Honourable Court and to grant permission to the petitioner to develop the land including construction, under clause 6(2) of Kerala Land Utilisation Order.

ii. Grant such other relief, which this Hon'ble Court may be pleased to grant in the facts and circumstances of the case."

The learned counsel for the petitioners submits that the grievance of the petitioners has also been highlighted by way of Ext.P2 application under clause 6(2) of the KLU Order, which is pending consideration before the 2<sup>nd</sup> respondent and the prayer is only to cause the same to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well, who submits that the application can be finalized after calling for a report from the Local Level Monitoring Committee.

3. In view of the limited relief sought for, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders on Ext.P2 in accordance with law after getting a report from the Local Level Monitoring Committee and also after giving an opportunity of hearing to the petitioners at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the 2<sup>nd</sup> respondent for further steps.

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