

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. 11464 of 2015 (G)

PETITIONER(S):

**M/S. PATEL REAL ESTATE DEVELOPERS PVT. LTD,
REPRESENTED BY ITS DIRECTOR, C1/VIII, SECTOR 2,
MAVELIPURAM, SEAPORT AIRPORT ROAD,
KAKKANAD P.O., KOCHI.**

BY ADV. SRI.J.ABHILASH

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR, THRISSUR.**
- 3. THE REVENUE DIVISIONAL OFFICER,
IRINJALAKKUDA, THRISSUR DISTRICT.**
- 4. THE VILLAGE OFFICER, MELOOR, THRISSUR DISTRICT.**
- 5. MELOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MELOOR GRAMA PANCHAYATH.**

R1-4 BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

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

PJ

WP(C).No. 11464 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE DATA BANK

**P2: COPY OF THE REPRESENTATION FILED BY THE PETITIONERS BEFORE THE
R2 DATED 30/3/15.**

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.11464 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The 1st petitioner is in possession and ownership of 342.7 Ares of land in Survey Nos.295/2, 295/4, 297, 302, 303, 648/1 in Meloor Village, Chalakkudy Taluk and the 2nd petitioner is in possession and ownership of 104.59 Ares of property in Survey Nos.173/2 in Meloor Village, Chalakkudy Taluk. The case of the petitioners is that, though the aforesaid properties are 'barren land', they are shown as 'wet land'/'paddy land' in the revenue records, but in the data bank the properties are shown as 'not fit for paddy cultivation'.

2. The petitioners have already moved the 2nd respondent by filing Ext.P2 application under Kerala Land Utilisation Order and the prayer is to cause the same to be considered and disposed of, so as to enable the petitioners to make use of the property for other purposes, than agricultural purpose.

3. Heard the learned Government Pleader as well.

4. If a property is not covered by the provisions of Act 28 of 2008 and the conversion has been effected prior to the commencement of the said Act, it is open for the parties concerned to make use of the property for other purposes in view of the law already declared by this Court on the point. Even as per the recent verdict passed by the Hon'ble Supreme Court in **Revenue Divisional Officer Vs. Jalaja Dileep (2015 (1) KLT 984 (SC)**, it is mentioned that under such circumstances, proper application has to be filed under the Kerala Land Utilisation Order and it will be for the competent authority to have the same considered, so as to extend the necessary relief.

5. In the said circumstances, there will be a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P2 in accordance with law, after calling for a report from the Local Level Monitoring Committee and also with notice to the petitioner and the 5th respondent, which shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment, along with a copy of this judgment, before the second respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp