

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. 11481 of 2015 (I)

PETITIONER(S):

**JOSEPH, AGED 62 YEARS,
S/O.OUSEPH, KOONATHAN HOUSE,
OKKAL P.O., ERNAKULAM DISTRICT - 683 550.**

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

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF AGRICULTURE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM - 682 030.**
- 3. AGRICULTURAL OFFICER,
KRISHI BHAVAN, VAZHAKULAM - 683 107.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015 ALONG WITH WP(C) NO.11482/2015 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 11481 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE LETTER DTD.26.12.2014 ALONG WITH RELEVANT PAGES
OF DATA BANK REGISTER ISSUED BY AGRICULTURAL OFFICER,
VAZHAKULAM.**

**EXT.P2: TRUE COPY OF APPLICATION DTD.4.12.2014 SUBMITTED BY THE
PETITIONER BEFORE THE DISTRICT COLLECTOR, ERNAKULAM.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

**W.P.(C) Nos.11481, 11482, 11483,
11484, 11485 & 11486 of 2015**

Dated this the 7th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

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

ii. To issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to permit petitioner for utilising the land for the purposes other than paddy Cultivation as per Kerala Land Utilisation Order.

iii. And to pass such other appropriate orders or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

The learned counsel for the petitioners 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 petitioners submits that Ext.P2 may be considered and dealt with accordingly.

4. In the said circumstance, the 2nd respondent is directed 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 'three months' from the date of receipt of a copy of the judgment. All the writ petitions are disposed of.

The petitioners shall produce a copy of the judgment along with a copy of the concerned writ petition before the second respondent for further steps.

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

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