

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 11580 of 2015 (V)

PETITIONER :

**M/S.SUN SHINE CORPORATION,
REPRESENTED BY ITS MANAGING PARTNER, ANTONY GEORGE,
CHURCH ROAD, PAZHAVANGADY, ALAPPUZHA-688 011.**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.P.A.RINUSA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
ALAPPUZHA-688 561.**
- 3. THE TAHSILDAR,
AMBALAPUZHA-688 561.**
- 4. THE VILLAGE OFFICER,
SOUTH ARYAD, ALAPPUZHA-688 538.**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 11580 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE COPY OF THE POSSESSION CERTIFICATE DATED 27-5-2010
ISSUED BY THE VILLAGE OFFICER, ARYAD SOUTH.**
- EXT P2 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL
FIELD OFFICER, KRISHI BHAVAN, ALAPPUZHA TO THE PETITIONER.**
- EXT P3 : TRUE COPY OF THE RELEVANT PAGES OF THE OLD BASIC TAX
REGISTER ISSUED BY THE 4TH RESPONDENT.**
- EXT P4 : TRUE COPY OF RELEVANT PAGES OF THE NEW BASIC TAX REGISTER.**
- EXT P5 : TRUE COPY OF THE APPLICATION DATED 24-9-2013 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT P6 : TRUE COPY OF REPORT SUBMITTED BY THE 4TH RESPONDENT
DATED 28-9-2013.**
- EXT P7 : TRUE COPY OF THAT JUDGMENT DATED 26-11-2014 IN
WPC.NO.18433/2014.**
- EXT. P8 : TRUE COPY OF THE DEVELOPMENT PLAN FOR ALAPPUZHA
(PART SKETCH)**
- EXT. P9 : TRUE COPY OF THE DISTRICT TOWN PLANNING SCHEME FOR NEHRU
TROPHY WEST AREA.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 11580 of 2015

=====

Dated this the 23rd day of December, 2015

J U D G M E N T

The petitioner is the owner of property comprised in Re-Sy.No.11 in Block No.177 B of Aryad South Village, Alppuzha. As seen from Ext.P2 this is not included in the draft data bank. The petitioner's case is that it is a dry land. Exts.P8 and P9 would show that it is located in 'industrial zone'.

2. In such a circumstances, this Court is of the view that the petitioner is free to utilize the land in accordance with the law as it would not come into the ambit of either under the land utilization order or converted paddy land. However if the petitioner wants to assess the land tax, the petitioner is free to approach the Tahsildar for reassessment of land tax in terms of Section 6A of the Land Tax Act, based on the declaration of this Court. It is made clear that no restriction under the paddy or KLU would apply to the petitioner's land, the petitioner is

free to use it as a dry land for all practical purposes. If any application is filed by the petitioner, the Tahsildar shall consider the application within one month from the date of receipt of the copy of this application.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE