

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11819 of 2015 (B)

PETITIONER :

**K.G.VENUGOPAL, AGED 67 YEARS
S/O. GOPINATHA PILLAI (LATE)
USHAKIRAN, KAVUMBHAGOM
THIRUVALLA, PATHANAMTHITTA.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
PATHANAMTHITTA DISTRICT
PATHANAMTHITTA, PIN – 689 645.**
- 2. THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICE
THIRUVALLA, PATHANAMTHITTA, PIN – 689 101.**
- 3. AGRICULTURAL OFFICER
KRISHI BHAVAN, THIRUVALLA – 689 101.**
- 4. THE VILLAGE OFFICER
KUTTAPUZHA VILLAGE, THIRUVALLA – 689 101.**

R1 TO R4 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF SALE DEED NO. 556/2008 OF THIRUVALLA SUB REGISTRY.
- EXT.P1(a) COPY OF SALE DEED NO. 561/2008 OF THIRUVALLA SUB REGISTRY.
- EXT.P2 COPY OF POSSESSION CERTIFICATE DATED 20-10-2010.
- EXT.P3 COPY OF SALE DEED NO. 560/2008 OF SUB REGISTRY, THIRUVALLA.
- EXT.P3(a) COPY OF SALE DEED NO. 559/2008 OF S.R.O. THIRUVALLA.
- EXT.P3(b) COPY OF SALE DEED NO. 558/2008 OF S.R.O. THIRUVALLA.
- EXT.P4 RELEVANT PAGES OF DATA BANK IN RESPECT OF PURAYIDAM.
- EXT.P5 COPIES OF PHOTOGRAPHS SHOWING THE PRESENT POSITION OF PROPERTY.
- EXT.P6 COPY OF REPRESENTATION DATED 25-3-2015 OF PETITIONER SUBMITTED BEFORE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 11819 of 2015

Dated this the 9th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayer:

- "i) To issue a writ in the nature of Mandamus or other appropriate writ, direction or order commanding the Respondents 1 and 2 to permit the petitioner to use the property comprised in Re Survey Nos 26/18, 26/6, 26/17, 26/17-1 and 26/17-2 of Kuttappuzha Village for any purpose other than agriculture in accordance with law.*
- ii) To issue a writ of Mandamus directing 3rd Respondent to consider and pass orders on Ext P6 without delay.*
- iii) To issue such other reliefs as this Honourable court deems fit and proper in the circumstances of the case."*

2. The learned counsel for the petitioner submits that, the grievance of the petitioner has also been projected by way of Ext.P6 representation and that the petitioner will be satisfied, if a direction is given to the 3rd respondent to have it considered and finalized within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext.P6, in accordance with law, also in the light of the ruling rendered by the Supreme Court in **Revenue Divisional Officer v. Jalaja Dileep [2015 (1) KLT 984 (SC)]** and that of a Division Bench of this Court in **Adani Infrastructure & Developers Pvt. Ltd. v. State of Kerala (2015 (1) KLT 651)** to the extent it applicable, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 3rd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

The words "3rd respondent" wherever it occur in the judgment dated 09/04/2015 in W.P.(C) No. 11819/2015 are deleted and substituted as "2nd respondent" as per order dated 09/09/2015 in I.A. 10959/2015 in W.P.(C) No.11819/2015.

Sd/-

Registrar (Judicial)

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