

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. 11876 of 2015 (H)

PETITIONER(S):

**K.G.VENUGOPAL, AGED 67 YEARS,
S/O.GOPINATHAN NAIR, LATE USHA KIRAN,
KARUMBHAGOM, THIRUVALLA, PIN-689102.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, KOTTAYAM DISTRICT,
KOTTAYAM, PIN-686002.**
- 2. THE REVENUE DIVISIONAL OFFICER, KOTTAYAM-686001.**
- 3. THE AGRICULTURAL OFFICER, CHANGANACHERY-686101.**
- 4. VILLAGE OFFICER, KURICHY VILLAGE, CHANGANACHERY-686101.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

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

PJ

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE TAX RECEIPT DATED 8/8/14 ISSUED BY R4

P1(A): COPY OF TAX RECEIPT DATED 8/8/14 ISSUED BY R4

P1(B): COPY OF TAX RECEIPT DATED 8/8/14 ISSUED BY R4

P1(C): COPY OF TAX RECEIPT DATED 8/8/14 ISSUED BY R4

P2: COPY OF RELEVANT PAGE OF DATA BANK

P3: COPIES OF PHOTOGRAPHS

**P4: COPY OF REPRESENTATION SUBMITTED BY PETITIONER BEFORE R2 DATED
25/3/15**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 11876 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 of Mandamus or other appropriate writ, direction or order directing the Respondents to permit the petitioner and other co-owners to use the property comprised in Re-Sy Nos 379/4-4, 379/4-1, 379/5, 379/1-2, 377/5-2, 379/8, 379/4-5, 379/5-3, 379/4-3, 379/5-4, 379/3 and 379/4-2 of Kurichy Village for non-agrarian purpose in accordance with law as requested in Ext.P-4.*
- ii) To issue a writ of Mandamus directing second Respondent to take a decision on Exhibit P-4 in accordance with law without any delay in the interest of justice.*
- iii) To issue such other writ, direction or order as this Hon'ble 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.P4 representation and that the petitioner will be satisfied, if a direction is given to the 2nd 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 2nd respondent to consider and pass appropriate orders on Ext.P4, 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 decision 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 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.