

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No.12157 of 2015 (T)

PETITIONER:

**VALAMANGALAM HORTICULTURE PVT.LTD.,
BUILDING NO18/46-52,PARRY JUNCTION,
KOCHI-682005,REPRESENTED BY ITS
MANAGING DIRECTOR.**

**BY SRI.K.JAJU BABU (SENIOR ADVOCATE.)
ADV.SMT.M.U.VIJAYALAKSHMI**

RESPONDENT:

**THE DISTRICT COLLECTOR,
ALAPPUZHA-688001.**

BY SENIOR GOVT. PLEADER SRIJOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

W.P(C) NO.12157/2015

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: COPY OF THE CERTIFICATE TVR NO.20/13-14 DATED 12.6.2013 ISSUED
BY THE AGRICULTURAL OFFICER, THURAVOOR.**

**EXT.P2: COPY OF THE APPLICATION DATED 1.3.2015 SUBMITTED BY THE
PETITIONER TO THE RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 12157 of 2015

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Dated, this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- "i) issue a writ of mandamus or any other appropriate writ, order or direction directing the respondent to consider Ext.P2 application in the light of Ext.P1 and with due regard to the dictum laid down by this Hon'ble Court in paragraph 12 of the Judgment in Archana Varghese V. District Collector, (2015 (1) KLT 937) at the earliest after giving an opportunity for hearing to the petitioner to prove their case;*
- ii) issue such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;"*

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondent.

3. The law is well settled now as per the decision in **Revenue Divisional Officer Vs. Jalaja Dileep [2015 (1) KLT 984 (SC)]**, whereby it had been clearly mentioned that if the property is not included in the Data Bank as "Paddy Land" or "Wetland" as defined under the Act 28 of 2008, it is still governed by the provisions of K.L.U. Order 1967 and that in such circumstances, the grievance is to be considered with reference

to the provisions of the KLU Order. It has been held by a learned Single Judge of this Court in **Archana Varghese Vs. District Collector [2015 (1) KLT 937]** that after the Act 28 of 2008, the Collector has no power to call upon the holder of the land to cultivate paddy in the land which is no longer a paddy land in terms of the Act 28 of 2008.

4. In the above circumstances, there will be a direction to the respondent to consider and pass appropriate orders on Ext. P2 application preferred by the petitioner in accordance with law and in the light of the decisions cited supra, after giving an opportunity of hearing to the petitioner, 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 copy of the writ petition before the respondent for further steps.

The Writ Petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

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