

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 14011 of 2015 (B)

PETITIONER:

**V.M.ABRAHAM, VATTAKKATT,
PONKUNNAM P.O, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.DINNY THOMAS
SRI.JAISHANKAR V.NAIR
SMT.ROSHNI MANUEL**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM - 686 001.**
- 2. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 14011 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1 : TRUE COPY OF THE SKETCH SHOWING THE LIE OF THE LAND.

**EXHIBIT P2 : TRUE COPY OF THE PATTA ISSUED AS PER PROCEEDINGS
NO.LA 514/92/D4 OF THE TAHASILDAR KANJIRAPALLY.**

**EXHIBIT P3 : TRUE COPY OF THE ORDER DATED 10/09/2012 OF THE
1ST RESPONDENT.**

**EXHIBIT P4 : TRUE COPY OF THE LETTER DATED 29/8/2008 BY EXECTIVIE
ENGINEER,KSTP.**

EXHIBIT P5 : TRUE COPY OF REVISION FILED BEFORE THE 2ND RESPONDENT.

EXHIBIT P6 : TRUE COPY OF JUDGMENT DATED 25/07/2015 IN WP(C) NO 19243/2014.

**EXHIBIT P7 : TRUE COPY OF ORDER PASSED BY THE 2ND RESPONDENT
DATED 24/02/2015.**

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

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14011 of 2015

Dated this the 8th day of October, 2015

JUDGMENT

The petitioner, challenging a rejection of his application for assignment of 30 sq.m. of land comprised in survey No.182/31 in Block No.15 of Chirakadavu village, Kanjirappally, has approached this Court. The petitioner approached the authorities for assignment. This was finally concluded by the order of the Land Revenue Commissioner as per Ext.P7.

2. The Land Revenue Commissioner found that the land in question to be required for the future expansion of the PWD road and it cannot be assigned to the petitioner.

3. The petitioner points out to the communication issued by the Executive Engineer, KSTP to the District Collector wherein it is stated that it may not be required for future expansion. Therefore, it is submitted that the reasoning in Ext.P7 is unsustainable.

4. Learned Government Pleader, on instructions, submits that it is for the Public Works Department to decide whether the land may be required for future expansion and not for the KSTP.

5. As the matter stands now, the issue has been concluded by the order of the Land Revenue Commissioner. The Land Revenue Commissioner has given reason for declining the assignment. Unless such reasons are erroneous or perverse, this Court need not interfere with the factual finding in Ext.P7. Secondly, as a matter of right, the petitioner cannot demand the assignment of Government land to him. It is for the Government to decide in what manner the Government land has to be assigned.

Therefore, this Court is of the view that there is no reason to interfere with the order of the Land Revenue Commissioner. However, it is open for the petitioner to approach the Public Works Department to issue No Objection Certificate and if the same is issued, the petitioner is free to approach the authorities for assignment of land in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In