

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 15968 of 2015 (U)

PETITIONER:

**EDAKALATHU HOTELS AND RESORTS (P) LTD,
REPRESENTED BY ITS MANAGING DIRECTOR, E. O. LAWRENCE,
AGED 55, S/O.EDAKALATHUR OUSEPH, WELCOME VILLA,
POONKUNNAM, THRISSUR-680002.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR, COLLECTORATE,
AYYANTHOLE, THRISSUR-680001.**
- 3. THE SUB COLLECTOR AND THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE, AYYANTHOLE, THRISSUR-680001.**
- 4. THE VILLAGE OFFICER,
ENGANDIYOOR VILLAGE OFFICE, PIN-680001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATOOR

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 A TRUE COPY OF THE DOCUMENT BEARING NO.1370 OF 2014 DATED
26.6.2014 OF THE VADANAPPALLY S.R.O.**
- EXT.P2 A TRUE COPY OF THE DOCUMENT BEARING NO.1369 OF 2014 DATED
26.6.2014 OF THE VADANAPPILY S R O**
- EXT.P3 A TRUE COPY OF THE COMMUNICATION OF THE AGRICULTURAL
OFFICER WITH THE RELEVANT RECORDS DATED 12.2.2015**
- EXT.P4 A TRUE COPY OF THE STOP MEMO ISSUED BY THE FOURTH
RESPONDENT DATED 26.1.2015**
- EXT.P5 A TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED
14.2.2015**
- EXT.P6 A TRUE COPY OF THE REPORT OF THE AGRICULTURAL OFFICER
DATED 16.4.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.15968 of 2015

Dated this the 4th day of September, 2015.

J U D G M E N T

The petitioner has approached this Court challenging Ext.P4 stop memo issued by the Village Officer, the 4th respondent.

2. Ext.P4 stop memo is issued on the premise that the land referred in Ext.P4 is included in the draft Data Bank as 'nilam'. According to the petitioner, the land is a converted land.

3. The learned Government Pleader on instruction submitted that a part of the land is included in the draft Data Bank.

4. Even if a portion of the land is not included in the draft Data Bank, to utilise that portion of the land, the petitioner has to obtain permission under Clause 6 of Kerala Land Utilisation Order. In that view of the matter, considering the facts and circumstances of the case, this

Court is of the view that Ext.P4 has to be set aside, to the extent it is applicable to the land not included in the draft Data Bank. However, to utilise the remaining land for other purpose, the petitioner has to obtain permission under Clause 6 of Kerala Land Utilisation Order. The petitioner cannot use the portion of land which is included in the draft Data Bank for any other purposes, without obtaining necessary permission from the competent authority under Act 28/2008. If the petitioner makes an application under Clause 6 of Kerala Land Utilisation Order, the same shall be considered by the 2nd respondent within 2 months of receipt of such application, in respect of the land not included in the draft Data Bank.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge