

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

WP(C).No.17252 of 2015 (F)

PETITIONER:

**SAJUMON MATHEW,MANIMALA HOUSE,
THENKARA P.O,AMBAMKUNNU,
MANNARKKAD,PALAKKAD DISTRICT.**

**BY ADVS.SRI.P.J.MATHEW
SRI.EBIN MATHEW**

RESPONDENT'S:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,OTTAPALAM.**
- 3. VILLAGE OFFICER,MANNARKKAD-II,PALAKKAD DISTRICT-678 583.**
- 4. THE THENKARA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
THENKARA P.O,PALAKKAD DISTRICT,
PIN-678582.**

R1 TO R3 BY GOVT. PLEADER SMT.K.A.SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.17252 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE ASSIGNMENT DEED IN FAVOUR OF THE PETITIONER
DATED 5/4/2003.

EXT.P2:TRUE COPY OF THE LAND TAX RECEIPT DATED 29/4/2015.

EXT.P3 TRUE COPY OF THE ORDER DATED 4/5/2015 ISSUED BY THE 4TH
RESPONDENT.

EXT.P4:TRUE COPY OF THE NOC DATED 23/5/15 ISSUDE BY THE POLLUTION
CONTROL BOARD.

EXT.P5:TRUE COPY FO THE APPLICATION DATED 29/5/15 UNDER CLAUSE (6) OF
THE KERALA LAND UTILISATION ORDER 1967 BEFORE THE 2ND
RESPONDENT.

EXT.P6:TRUE COPY OF THE RECEIPT ISSUED ON BEHALF OF THE 2ND
RESPONDENT DATED 29/5/15.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17252 of 2015

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Dated this the 10th day of June, 2015

JUDGMENT

Aggrieved by the delay in considering the petitioner's application by the second respondent, the petitioner has come up before this Court.

2. The petitioner is an agriculturist. As the income from the agriculture is meagre, he intended to start a poultry farm. He availed a loan from financial institutions for that purpose.

3. The petitioner is the title holder of 4 acres of land comprised in Sy. Nos.37/1, 3, 6 of Mannarkkad Village-II. He submitted an application before the respondent panchayat for permission to start a poultry farm. However, the panchayat rejected the application holding that in the possession certificate, the land is shown as Nilam.

4. The petitioner alleges that the 4 acres is systematically planted with coconut trees aged 40 years and rubber after slaughter tapping. The petitioner further alleges that as the land is not coming under the purview of Kerala Conservation of Paddy Land

and Wetland Act and Rules 2008, an application under Clause 6 of the Kerala Land Utilisation Order is filed before the R.D.O, Ottappalam. According to him, if the ground reality is taken into account, his application is only to be allowed. It is with this background, the petitioner has come up before this Court.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

6. Today when the matter came up for hearing, the learned counsel for the petitioner has confined his argument to the limited prayer for a direction to the second respondent to consider Ext.P5 within a time frame. Considering the nature of the submission, this Court is of the view that the petition can be disposed of even without issuing notice to the fourth respondent panchayat.

7. Therefore, the writ petition is disposed of with a direction to the second respondent to consider and pass appropriate orders on Ext.P5 after affording the petitioner an opportunity of being heard within a period of one month from the date of receipt of a copy of this judgment.

To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment as well as copy of the writ petition before the respondent concerned at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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