

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 19026 of 2015 (C)

PETITIONER(S) :

1. ABDU RAHIMAN N.V., AGED 63 YEARS,
S/O.NOTTANVEEDAN MUHAMMED, KANNANPALLIYALI HOUSE,
AREACODEAMSAM, AREACODEDESOM, MALAPPURAM DISTRICT.
2. KALLANKADAVANMUHAMMED ASHRAF, AGED 55 YEARS,
S/O.ABDU RAHIMANMUSLIAR, SHAMIYA HOUSE, VILAYIL AMSOM,
PARAPPOOR DESOM, MALAPPURAM DISTRICT.
3. NOTTANVEEDANHABEEB, AGED 56 YEARS,
S/O NOTTANVEEDAN BEERAN, THOTTIMAML HOUSE,
AREACODE AMSOM, AREACODE DESOM, MALAPPURAM DISTRICT.
4. KOLLATHODI FATHIMA, AGED 73 YEARS,
D/O.KOLLATHODI ABOOBACKER, SAFAMANSIL, AREACODE AMSOM,
DESOM, MALAPPURAM DISTRICT.
5. SAMEEL PANTHACKALAKATH, AGED 45 YEARS,
S/O.ABOOBACKER PANTHACKALAKATH, THOTTIMMAL HOUSE,
AREACODE AMSOM DESOM, MALAPPURAM DISTRICT.
6. KOLLATHODI ABDU RAHIMAN, AGED 68 YEARS,
KOLLATHODI ABOOBACKER, VELUTHATHODUVIL HOUSE,
AREACODE AMSOM, DESOM, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.SHIBILI NAHA
SRI.SAJU RAGHAVAN

RESPONDENTS:

1. DISTRICT COLLECTOR,
MALAPPURAM-673 121.
2. THE R.D.O (SUB COLLECTOR),
PERINTHALMANNA-673 121.
3. ADDITIONAL THAHASILDAR,
ERANAD MANJERI-673 121.
4. PRINCIPAL AGRICULTURAL OFFICER,
MALAPPURAM-673 121.

WP(C).NO.19026/2015

5. THE VILLAGE OFFICER,
AREACODE, ARECODE.P.O,
MALAPPURAM DISTRICT-673 121.
6. AREACODE GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, AREACODE.P.O.,
MALAPPURAM DISTRICT-673 639.

*ADDL.R7 IMPEADED

*ADDL.R7: SRI.M.P.ABDUL NAZAR,S/O.ABU,
PULIKKAL HOUSE, MOORKANADU,
OORNGATTIRI, MALAPPURAM DISTRICT.

*IS IMPEADED AS ADDL.R7 VIDE ORDER DATED 31/07/2015 IN
IA.NO.11126/2015.

R1 TO R5 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R6 BY ADV. SRI.GOKUL DAS V.V.H.
ADDL.R7 BY ADV. SRI.R.RAMADAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 A TRUE COPY OF THE LEASE AGREEMENT DATED 14.08.2014
- P2 A TRUE COPY OF THE JUDGMENT IN W.P(C).NO.24894/2013 DATED 03.06.2014
- P3 A TRUE COPY OF THE JUDGMENT IN WP(C).NO.26746/2014 DATED 15.10.2014
- P4 A TRUE COPY OF THE APPLICATION SUBMITTED BY THE 6TH RESPONDENT
DATED 18.08.2014
- P5 REPORT SUBMITTED BY THE 5TH RESPONDENT (VILLAGE OFFICER)BEFORE
THE 2ND RESPONDENT DATED 08.10.2014
- P6 A TRUE COPY OF THE REPORT OF THE 4TH RESPONDENT
- P7 REPORT SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 2ND
RESPONDENT
- P8 A TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED
03.12.2014
- P9 A TRUE COPY OF THE ORDERS ISSUED BY THE 2ND RESPONDENT
INVOKING CLAUSE 6 OF KLUO 1967
- P10 A TRUE COPY OF THE APPLICATION DATED 10.01.2015 SUBMITTED BY THE
PETITIONERS`
- P11 A TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT
- P12 A TRUE COPY OF THE JUDGMENT IN WP(C).NO.32221 OF 2010 DATED
02.06.2011.

RESPONDENT(S)' EXHIBITS

- R2(A) COPY OF THE PROCEEDINGS DATED 21/05/2015 OF DISTRICT COLLECTOR,
MALAPPURAM.

/TRUE COPY/

P.A.TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 19026 of 2015

Dated this the 07th day of August, 2015

J U D G M E N T

Ext.P8 is an order passed under Clause 6 of the Kerala Land Utilization Order, 1967. The order has been passed obviously on the premise that there is no provision under the KLU Order to regularise conversion effected on a paddy land before 2008, ie, before the introduction of Kerala Cultivation of Paddy Land and Wetland Act, 2008 . However, the said order would go against the declaration of law in Puthan Purakkal Joseph v. Sub Collector [2015 (3) KLT 182]. . The application filed by the petitioner for correction of BTR was also declined by Ext.P11. However, that cannot be interfered with since the Hon'ble Supreme Court has declared that there can be no rectification of BTR made in RDO v. Jalaja Dileep [2015(2) KHC 109(SC)] . Since this Court has in Puthan Purakkal Joseph (supra) laid down the procedure by which an application under clause (6) of the KLU Order has to be considered. It is only appropriate that the same be considered

afresh. Ext.P8 is hence set aside. The respondent who had been opposing the recoveyance has also been made a party. The petitioner, the additional respondent as also the Panchayat shall appear before the RDO on 18.08.2015. The office of the RDO shall intimate the date of hearing personally to the parties appearing there and also issue notice by post if any had not appeared. The applications shall be considered and disposed of expeditiously, in accordance with law.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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//true copy//

P.A to Judge