

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 20544 of 2015 (P)

PETITIONER(S):

**RAVIKUMAR, AGED 54 YEARS,
S/O. SUBRAMAYAN, AREKKARA HOUSE, PO VALAMBOOR,
VIA PATTIKAD, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.B.JAYASURYA
SRI.C.M.KAMMAPPU**

RESPONDENT(S):

- 1. THE CHAIRMAN,
DISTRICT LEVEL MONITORING COMMITTEE
AND SUB COLLECTOR, PERINTHALMANNA,
MALAPPURAM DISTRICT-670322.**
- 2. THE RAVENUE DIVISIONAL OFFICER
OFFICE OF THE RVENUE DIVISIONAL OFFICE,
PERINTHALMANNA, MALAPPURAM DISTRICT-679322.**
- 3. THE DISTRICT COLLECTOR, MALAPPURAM
PIN-679 505.**
- 4. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, ANGADIPPURAM,
MALAPPURAM DISTRICT 679 321.**
- 5. THE VILLAGE OFFICER,
ANGADIPPURAM, MALAPPURAM DISTRICT 679 321.**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 20544 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 12.11.2014 IN WPC
NO39346/2014 OF THIS HON'BLE COURT**

**EXHIBIT P2: TRUE COPY OF THE ORDER DATED 27.12.2014 OF THE 1ST
RESPONDENT**

**EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 12.1.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20544 of 2015

Dated this the 16th day of September, 2015

JUDGMENT

The petitioner, aggrieved by condition No.2 in Ext.P2, has approached this Court.

2. The petitioner has been given a permission under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 to put up a residential building. By the impugned condition, the petitioner has been restrained from transferring the residential building after construction. In fact, this issue was considered by this Court in **Ramankutty v. Principal Agricultural Officer, Malappuram and Another [2014 (3) KLT 730]**, wherein it was held as follows:

“The Authority which is constituted to grant permission to construct residential building in terms of Sections 9(1) & 9(8) on being satisfied can accord permission to the applicant to construct residential building. That does not mean a superior right available to such Authority to restrain/bar the absolute right of the petitioner over his property. The respondents have no power or authority to impose any condition while granting permission to the petitioner putting a complete

embargo on right of alienation. It is true that for granting permission a satisfaction has to be made by the Authority that the applicant has no other property suitable for the purpose specified under Sections 9(1) and 9(8) of the Act and Rules. But that does not mean that the Authority has the power to restrain such applicant from transferring his property. In the absence of any provision as such to be specified as a clog to alienation of the land, I am of the view that, it is beyond the power of the second respondent. Accordingly, condition No.2 in Ext.P3 is set aside while restraining the other conditions. This writ petition is disposed of as above.”

In view of the above, condition No.2 in Ext.P2 is set aside.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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