

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 20641 of 2015 (E)

PETITIONER(S):

**T.N.SUDHAKARAN, AGED 52 YEARS,
S/O.T.V.NARAYANAN,
RESIDING AT THAZHATHEPURA HOUSE,
KANNANURE P.O., PALAKKAD DISTRICT, PIN-678702.**

**BY ADVS.SRI.SAJEEV KUMAR K.GOPAL
SRI.R.HARISHANKAR**

RESPONDENT(S):

**THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PALAKKAD, PIN-678001.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 20641 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE DOCUMENT NO.1569/88 OF KUZHALMANNAM SRO.

EXT.P2 : TRUE COPY OF THE DOCUMENT 264/15 OF KUZHALMANNAM SRO.

**EXT.P3 : TRUE COPY OF THE LAND UTILIZATION ORDER ISSUED TO THE PETITIONER
DT.24-5-2003.**

**EXT.P4 : TRUE COPY OF THE LAND UTILIZATION ORDER ISSUED IN THE NAME OF
SRI.JAGANIVASAN DT.24-5-2003.**

**EXT.P5 : TRUE COPY OF THE APPLICATION BY THE PETITIONER TO THE
RESPONDENT DT.7-4-2015.**

EXT.P6 : TRUE COPY OF THE COMMUNICATION BY THE RESPONDENT DT.29-5-2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20641 of 2015

Dated this the 17th day of September, 2015

JUDGMENT

The petitioner approached the respondent for utilising the land for other purposes in terms of Clause 6 of the Kerala Land Utilisation Order (for short, the “Order”). The petitioner has approached this Court impugning Ext.P6, an order passed by the Revenue Divisional Officer declining petitioner’s request.

2. By the impugned order, the Revenue Divisional Officer noted that once the permission has been granted for residential purposes and the same cannot be converted now for commercial purposes.

2. Learned Special Government Pleader submits that the land referred as above is included as a paddy in the draft data bank prepared under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for short, the “Act 28/2008”).

3. This Court is of the view, Ext.P6 is unsustainable in as much as this was issued without taking note of the nature of

classification of the land in the draft data bank. Further finding is also unsustainable. There is no impediment under law in granting permission for commercial purposes.

In that view of the matter, Ext.P6 is set aside. However, in view of the fact that the land is now included in the draft data bank as a paddy land, the petitioner shall approach the Local Level Monitoring Committee to correct the entry relating to the land in the draft data bank. If the petitioner makes an application for correction, that shall be considered by the Local Level Monitoring Committee after conducting the local inspection in the presence of the petitioner and take appropriate decision within two months from the date of receipt of such application. The Local Level Monitoring Committee shall find out whether the land can be classified as paddy land as on the date of enactment of the Act 28/2008. If it cannot be classified as paddy or wet land as on the date of enactment of Act 28/2008, necessarily, corresponding changes shall be effected in the draft data bank. If the entry is corrected, in view of the earlier order passed under Clause 6 of the Order, this

Court is of the view, a permission shall be granted to the petitioner under Clause 6 of the Order for putting up a commercial building. Therefore, if the petitioner approaches the Revenue Divisional Officer based on the order passed by the Local Level Monitoring Committee, necessary permission shall be given to the petitioner under Clause 6 of the Order to construct commercial/residential building and appropriate order thereon shall be passed within one month from the date of receipt of such application from the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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