

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 22044 of 2015 (E)

PETITIONER(S):

**BENNY KURIAKOSE AGED 39 YEARS
S/O KURIAKOSE, KANJIRAPARAYIL HOUSE, UZHAVOOR PO
KOTTAYAM DISTRICT
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER JAISE KURIAKOSE
KANJIRAPARAYIL HIOUSE, UZHAVOOR PO, KOTTAYAM DISTRICT**

BY ADV. SRI.P.S.GEORGE

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE
SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 2. THE REVENUE DIVISIONAL OFFICER
MEENACHIL, PALA, 686 654**
- 3. THE TAHSILDAR, TALUK OFFICE
MEENACHIL, PALA, 686 654**
- 4. THE VILLAGE OFFICER
UZHAVOOR VILLAGE, KOTTAYAM 686 654**

BY SRI P.K. SOYUZ, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JV

WP(C).No. 22044 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: COPY OF THE TAX RECEIPT DT. 18/12/14 ISSUED BY THE 4TH
RESPONDENT**

**EXT.P2: COPY OF THE APPLICATION DT. 15/1/15 UNDER KLU ORDER BFORE
THE 2ND RESPONDENT**

EXT.P3: COPY OF THE REPORT OF THE 4TH RESPONDENT DT. 6/3/15

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.22044 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner stated to be the owner of 38.60 Ares of land in Resurvey No.6/9 in Block No.5 in Uzhavoor Village, Meenachil Taluk has filed this writ petition seeking a writ of mandamus commanding the 2nd respondent to consider Ext.P2 application and to grant him permission to utilise his aforesaid land for purposes other than paddy cultivation.

2. Going by the averments in the writ petition, the petitioner has already moved Ext.P2 application before the 2nd respondent under Clause 6 of the Kerala Land Utilization Order, 1967.

3. Heard the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

4. The learned Government pleader on instructions would submit that the land in question is a converted land, which would not fall within the purview of the provisions of Kerala Conservation of Paddy Land and Wet Land Act, 2008.

5. Considering the fact that Ext.P2 statutory application filed by the petitioner is pending consideration before the 2nd respondent, I deem it appropriate to dispose of the writ petition, without going into the merits of the case.

In the result, this writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P2 application, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner.

It is made clear that this Court has not expressed anything on the merits of the claim made by the petitioner in Ext.P2 application and it is for the 2nd respondent to take an appropriate decision strictly in accordance with law, taking note of the judgment in **Revenue Divisional Officer v. Jalaja Dileep [2015 (1) KLT 984]** and **Puthan Purakkal Joseph v. Sub-Collector [2015 (3) KLT 182]**.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV