

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 23708 of 2014 (K)

PETITIONER(S):

SHAMEENA JIHAS
JEWEL NEST, EROOR VASUDEVAN ROAD, PALARIVATTOM
KOCHI 25.

BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE REVENUE DIVISIONAL OFFICER
FORT KOCHI.
3. THE TAHSILDAR
ALUVA.
4. THE VILLAGE OFFICER
ALUVA EAST VILLAGE, ALUVA.

BY ADV. GOVERNMENT PLEADER SRI.M.MOHAMMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 23708 of 2014 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: COPY OF THE APPLICATION DATED 28.2.14 SUBMITTED TO
RESPONDENTS 2 TO 4.

EXHIBIT P2: COPY OF THE RELEVANT PAGE OF THE DRAFT DATA BANK.

EXHIBIT P3: COPY OF THE CERTIFICATE DATED 6.8.12 OF THE PRINCIPAL
AGRICULTURAL OFFICER, ERNAKULAM.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

P.R.RAMACHANDRA MENON, J.
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W.P.(C) No.23708 of 2014
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Dated this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“1. Issue a writ of mandamus or such other writ, direction or order compelling the respondents 2 to 4 to consider Exhibit P1 application in the light of Exhibits P2 and P3, affording opportunity of hearing to the petitioner within a time frame to be fixed by this Honourable Court and to grant permission to develop the land.

2. Issue such other writ, direction or order as deemed just and necessary in the facts, features and circumstances of the case. ”

2. The learned counsel for the petitioner submits that the only prayer is to cause Ext.P1 to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well, who submits that by virtue of the law declared by Apex Court as per the decision reported in **Revenue Divisional Officer v. Jalaja Dileep** (2015(1) KLT 984) (SC), the classification cannot be changed in the the BTR. However, if a proper application is filed under Clause 6(2) of the KLU Order, it will be considered and

appropriate orders will be passed within reasonable time.

4. The learned counsel for the petitioner submits that Ext.P1 may be considered and dealt with accordingly.

5. In the said circumstance, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P2 in accordance with law, with reference to Clause 6(2) of the KLU Order, after calling for a report from the 4th respondent with regard to the nature of the land in question and after hearing, in the light of the law declared by the Apex Court as per the decision cited supra. This shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv