

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 23500 of 2015 (J)

PETITIONER(S):

1. **CHERIAN VARGHESE, AGED 59 YEARS,
S/O.GEE VARGHESE, CHIRATHAYCKAL MADATHIL HOUSE,
PADINJATTUSSERY HOUMURI, KAVIYOOR VILLAGE.**
2. **SARAMMA CHERIAN, AGED 53 YEARS,
W/O.CHERIAN VARGHESE, CHIRATHAYCKAL MADATHIL HOUSE,
PADINJATTUSSERY HOUMURI, KAVIYOOR VILLAGE.**
3. **RENJI GEORGE CHERIAN, AGED 32 YEARS,
S/O.CHERIAN VARGHESE, CHIRATHAYCKAL MADATHIL HOUSE,
PADINJATTUSSERY HOUMURI, KAVIYOOR VILLAGE.**
4. **M.P.PHILIP, KULATHUPPUZHA MURI,
KULATHUPPUZHA P.O.,KULATHUPPUZHA VILLAGE,
PATHANAPURAM TALUK. PIN -**

**BY ADVS.SRI.P.HARIDAS
SMT.S.SIKKY
SRI.P.C.SHIJIN**

RESPONDENT(S):

1. **STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
2. **REVENUE DIVISIONAL OFFICER,
DEPARTMENT OF REVENUE,
THIRUVALLA TALUK. PIN - 689 101.**

BY SR GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF TAX RECEIPT DATED 24.5.2011**
- EXT.P-2: TRUE COPY OF TAX RECEIPT DATED 24.5.2011**
- EXT.P-3: TRUE COPY OF THE SALE DEED NO.1890/2010 DATED 15.6.2010**
- EXT.P-4: TRUE COPY OF THE EXTRACT OF DATA BANK.**
- EXT.P-5: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 2ND
RESPONDENT DATED 25.6.2014**
- EXT.P-6: TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER ALONG WITH
ANNEXURES DATED 22.8.2014**
- EXT.P-7: TRUE COPY OF THE JUDGMENT IN WPC.NO.26057 OF 2015 DATED
10.11.2014**
- EXT.P-8: TRUE COPY OF THE ORDER OF RDO, THIRUVALLA DATED 05.01.2015**
- EXT.P-9: TRUE COPY OF THE REPRESENTATION DATED 20.7.2015**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.23500 of 2015 - J

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Dated this the 11th day of August, 2015

J U D G M E N T

The petitioners 1 to 3 are the owners of 8.90 cents of property in Re.Sy. Nos. 244/14-1, 244/14-2 and 224/16-1 near Thirumoolapuram junction of Thiruvalla Village. The 2nd respondent, the R.D.O granted permission to petitioners 1 to 3 to use the said property (7 cents) for other purposes. But, however, the petitioners omitted to seek relief to use the pathway (2 cents) for non-agricultural purpose and they filed Ext.P9 application dated 20.07.2015 before the R.D.O to grant permission to the petitioners to heighten the pathway of 2 cents.

2. In such circumstance, the 2nd respondent shall consider Ext.P9 representation and dispose of the same at

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any rate, within a period of two months, especially looking at
Ext.P8 order of the R.D.O.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P.A to Judge.