

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. 23882 of 2014 (I)

PETITIONER(S):

HAYATH BUILDERS INDIA PRIVATE LIMITED,
CASAGRANTE BUILDING, 2ND FLOOR, DESHABHIMANI JUNCTION
PIN - 682 017, REPRESENTED BY JIHAS P.A., DIRECTOR.

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

RESPONDENT(S)/RESPONDENTS:-:

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

R1-R4 BY SENIOR GOVERNMENT PLEADER SRI.M.MUHAMMED 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. 23882 of 2014 (I)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE APPLICATION DATED 28.02.2014 SUBMITTED
TO RESPONDENTS 2 TO 4.

EXHIBIT P2. TRUE COPY OF THE RELEVANT PAGES OF THE DRAFT DATA BANK.

EXHIBIT P3. TRUE COPY OF THE CERTIFICATE DATED 06.08.2012 ISSUED BY
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.23882 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 Exhibit P2, 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.P1 application in accordance with law, with reference to Clause 6(2) of the KLU Order, in the light of Exts.P2 and P3 and in the light of the law declared by the Apex Court as per the decision cited supra. This shall be done after hearing, 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