

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 24666 of 2014 (G)

PETITIONER(S):

**LIJO THOMAS, AGED 33 YEARS,
S/O. JOHN THOMAS, THOTTATHIL HEBRON VILLA,
MADATHIL KARAYAMA MURI, OCHIRA, KOLLAM DISTRICT.**

**BY ADVS.SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.GEORGE MATHEWS
SMT.DAISY IRENE DANIEL**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM-691 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE, KOLLAM-691 001.**
- 3. THE TAHASILDAR,
KARUNAGAPPALLY TALUK, KARUNAGAPPALLY P.O.,
KARUNAGAPPALLY-690 518.**
- 4. THE VILLAGE OFFICER,
OCHIRA VILLAGE, OCHIRA P.O., KOLLAM DISTRICT-690 526.**
- 5. THE SECRETARY,
OCHIRA GRAMA PANCHAYATH, OCHIRA P.O.,
KOLLAM DISTRICT-690 526.**
- 6. THE AGRICULTURAL OFFICER,
OCHIRA, OCHIRA P.O., KOLLAM DISTRICT-690 526.**
- 7. THE PRINCIPAL AGRICULTURAL OFFICER,
KOLLAM-690 526.**

**R1-R4, R6&R7 BY GOVERNMENT PLEADER SRI.P.K.SOYUZ
R5 BY ADV. SRI.P.K.VIJAYAMOHANAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 : TRUE COPY OF THE SETTLEMENT DEED NO.2358/2010.

**EXHIBIT P2 : TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER
DATED 20.09.2012.**

**EXHIBIT P3 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECRETARY OF THE
GRAMAPANCHAYATH DATED 08.11.2012.**

EXHIBIT P4 : TRUE COPY OF THE APPLICATION DATED 29.10.2012.

**EXHIBIT P5 : TRUE COPY OF THE SANCTION GRANTED BY THE PRINCIPAL
AGRICULTURAL OFFICER, KOLLAM VIDE ORDER NO.TB(5)10892/08
DATED 26.03.2013.**

**EXHIBIT P6 : TRUE COPY OF THE ORDER PASSED BY THE RDO VIDES
NO.A12915/2013 DATED 19.10.2012.**

EXHIBIT P7 : TRUE COPY OF THE JUDGMENT IN WP(C)NO.11165/11 DATED 31.05.2011.

**EXHIBIT P8 : TRUE COPY OF THE JUDGMENT IN OS NO.335/2010 DATED 22.08.2012
BY THE MUNSIFF COURT, KARUNAGAPPALLY.**

EXHIBIT P9 : TRUE COPY OF THE REPRESENTATION DATED 30.08.2013.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 24666 of 2014

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Dated this the 20th day of November, 2015

J U D G M E N T

The petitioner approached this Court challenging Ext.P6 order of the Revenue Divisional Officer. The above order is issued when he was acting as a Chairman of the District Level Authorizing Committee.

2. The petitioner is in ownership and possession of 4.05 Ares of property in Ochira Village comprised in Sy.No.363/4/3-2 in Block No.4.

3. The petitioner approached the Local Level Monitoring committee to reclaim 10 cents of land for the purpose of residential building. The Local Level Monitoring Committee recommended. Accordingly the District Level Authorizing Committee has granted permission. Ext.P5 is the order. Thereafter by Ext.P6, Chairman of the District Level Authorizing Committee, RDO cancelled the order stating that the petitioner

has illegally converted the land in violation of the order of the Hon'ble High Court as well as Munsiff Court, Karunagappally

4. The learned Special Government Pleader would submit that the land is not included in the draft data bank. In that scenario, this Court is of the view that Exts.P5 and P6 orders are redundant and it has no legal sanctity. Therefore the following directions are issued:

The petitioner is free to utilize his land in accordance with law after obtaining building permit. The rigor of Act 28 of 2008 would not apply to the above land.

Exts.P5 and P6 orders have been declared as redundant and would not apply to the petitioner's land.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE