

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 24881 of 2015 (I)

PETITIONER:

COLORTONE PROCESS PVT. LTD.,
NO.57/830, CHITTOOR ROAD, ERNAKULAM
COCHIN-682 011 REPRESENTED BY
ITS MANAGING DIRECTOR.

BY ADVS. SRI. M. R. ANISON
SMT. K. P. GEETHA MANI
SMT. P. A. RINUSA

RESPONDENTS:

1. THE CORPORATION OF COCHIN
REPRESENTED BY ITS SECRETARY
OFFICE OF THE COCHIN CORPORATION,
ERNAKULAM-682 018.
2. THE DISTRICT COLLECTOR,
ERNAKULAM 682 130.
3. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI PIN-682 002.

R1 BY ADV. SRI. RAAJESH S. SUBRAHMANYAN, SC, COCHIN CORPORATION
BY SENIOR GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
BY SRI. P. K. SOYUZ, SC, COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF SALE DEED BEARING NO.4774/2012 OF SUB REGISTRAR'S OFFICE ERNAKULAM DATED 17-11-2012.
- EXHIBIT P2 - TRUE COPY OF SALE DEED BEARING NO.4791/2012 OF SUB REGISTRAR'S OFFICE ERNAKULAM DATED 19-11-2012.
- EXHIBIT P3 - TRUE COPY OF RELEVANT PAGE OF BTR ISSUED BY THE VILLAGE OFFICER.
- EXHIBIT P4 - TRUE COPY OF CERTIFICATE DATED 15-02-2012 ISSUED BY THE VILLAGE OFFICER.
- EXHIBIT P5 - TRUE COPY OF CERTIFICATE DATED 15-02-2012 ISSUED BY THE VILLAGE OFFICER ERNAKULAM.
- EXHIBIT P6 - TRUE COPY OF CERTIFICATE DATED 10-02-2012 ISSUED BY THE AGRICULTURAL OFFICER
- EXHIBIT P7 - TRUE COPY OF RELEVANT PAGE OF BTR ISSUED BY THE VILLAGE OFFICER
- EXHIBIT P8 - TRUE COPY OF THE JUDGMENT DATED 10-03-2015 IN C.A.NO.2749/2015 OF THE HON'BLE SUPREME COURT REFERRED IN 2015 (1) KLT 984.
- EXHIBIT P9 - TRUE COPY OF THE POSSESSION CERTIFICATE DATED 03.01.2012 ISSUED BY THE VILLAGE OFFICER.
- EXHIBIT P10 - TRUE COPY OF THE TAX RECEIPT DATED 01.08.2015 ISSUED BY THE COCHIN CORPORATION.
- EXHIBIT P11 - TRUE COPY FO THE BUILDING PERMIT DATED 04.12.2014 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 24881 OF 2015

Dated this the 1st day of September, 2015

JUDGMENT

True it is that the property was described as 'nilam' in Ext.P3 Basic Tax Register. But the property is being used for long as a converted land. This is evident from Exts.P4 and P5 certificates of the village officer.

2. The agricultural village officer of the Krishi Bhavan has also issued Ext.P6 certificate to the effect that the property is a converted land. There has been no sign of any cultivation in the property for about a decade now. Added to this is the fact that the petitioner has already obtained Ext.P11 building permit. There is no necessity at this juncture to obtain any further sanction under Clause 6 of the Land Utilisation Order, 1967.

3. It is made clear that the petitioner is free to act in furtherance of Ext.P11 building permit. There shall not be any obstruction from respondents 2 and 3 in that regard.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**