

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C) .No. 24909 of 2015 (K)

PETITIONER:

GEORGE VARGHESE
S/O.T.M.GEORGE, THADATHEL HOUSE, CHERUKOLE VILLAGE
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.JACOB P.ALEX
SRI.JOSEPH P.ALEX

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
CIVIL STATION, REVENUE DEPARTMENT,
PATHANAMTHITTA, PIN- 689 645.
2. DISTRICT COLLECTOR,
PATHANAMTHITTA, CIVIL STATION, PATHANAMTHITTA
PIN 689645.

R1 BY GOVERNMENT PLEADER SRI.MANOJ KUNHACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE RELEVANT PAGES OF THE DATA BANK FOR
CHERUKOLE GRAMA PANCHAYAT.

EXHIBIT P2 TRUE COPY OF THE PRINT OUT FROM OFFICIAL GOVERNMENT
WEBSITE SHOWING FINAL FAIR VALUE OF LAND PUBLISHED BY RDO.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 03.01.2013 IN WPC 31059
OF 2012.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 18.12.2014 IN WPC
NO.18780 OF 2013.

EXHIBIT P5: TRUE COPY OF THE APPLICATION DATED 19.01.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE ORDER DATED 15.07.2015 IN CCC NO.921 OF
2015.

EXHIBIT P7: TRUE COPY OF THE IA.NO.9599 OF 2015 WAS FILED ON BEHALF
OF THE RESPONDENT SEEKING EXTENSION OF TIME FIXED IN EXHIBIT P4.

EXHIBIT P8: TRUE COPY OF THE ORDER BEARING NO.C4-2340/2015 DATED
22.07.2015 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 24909 of 2015

Dated this the 17th day of September, 2015.

JUDGMENT

The petitioner's application for Clause 6 of the Kerala Land Utilisation Order has been considered by the second respondent as per Ext.P8. This was considered pursuant to the direction of this Court in W.P.(C) No.18780 of 2013.

2. The District Collector granted permission under Clause 6 of the Kerala Land Utilisation Order. However, one of the conditions stipulated in the order is that the petitioner shall not alienate the land for a period of ten years. It is to be noted that the Land Utilisation Order is issued under the Essential Commodities Act. The purpose of Essential Commodities Act is to ensure the availability of the food crops. It has nothing to do with the power being conferred upon the authority to infringe upon the right or interest of the person in respect of the property. The object of Land Utilisation Order is to control the activity in respect of the land for the purpose of

the Essential Commodities Act. Therefore, imposition of condition in the nature of restraining alienation is unsustainable.

Therefore, the writ petition is disposed of and condition No.(2) in Ext.P8 is set aside.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

Scl.