

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 27575 of 2015 (V)

PETITIONER :

**JOY JOSEPH, AGED 50 YEARS, S/O. JOSEPH,
THADATHIL HOUSE, NJEEZHOO P.O., PIN-686 612.
KOTTAYAM DISTRICT -**

**BY SRI.C.C.THOMAS,SENIOR ADVOCATE
ADVS. SRI.NIREESH MATHEW
SRI.M.G.KARTHIKEYAN**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE P.O., KOTTAYAM DISTRICT - 686 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
PALA, KOTTAYAM DISTRICT - 686 575.**
- 3. THE TAHSILDAR,
VAIKOM, KOTTAYAM DISTRICT - 686 141.**
- 4. THE VILLAGE OFFICER,
NEEZHOOR VILLAGE - 686 612, KOTTAYAM DISTRICT.**
- 5. THE LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY THE CONVENER (AGRICULTURE OFFICER),
KRISHI BHAVAN, NEEZHOOR - 686 612, KOTTAYAM DISTRICT.**
- 6. THE SECRETARY,
NJEEZHOO GRAMA PANCHAYATH,
NJEEZHOO P.O.,PIN-686 612, KOTTAYAM DISTRICT.**

R1 TO R5 BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 27575 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE SALE DEED DATED 03/07/2003 EXECUTED IN FAVOUR OF THE PETITIONER AND HIS WIFE.

EXHIBIT-P2- TRUE COPY OF THE TEMPORARY CONNECTION CONSUMER REGISTRATION CARD ISSUED BY THE KERALA STATE ELECTRICITY BOARD.

EXHIBIT-P3- TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK ENTRY, ISSUED BY THE AGRL. OFFICER, NEEZHOOOR.

EXHIBIT-P4- TRUE COPY OF THE PETITION DATED 24/07/2015 SENT TO THE 2ND RESPONDENT WITH COPIES TO OTHERS.

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

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27575 of 2015

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Dated this the 14th day of September, 2015

J U D G M E N T

The petitioner approached the Revenue Divisional Officer, 2nd respondent herein under clause 6 of the Land Utilization Order.

2. The petitioner and his wife have the possession of landed property to the extent of 27.11 Ares in Survey No.585/1B, 585/1A, 585/2 covered by Ext.P1 document.

3. It appears that the petitioner has already constructed residential building as early as in the year 2006. This Court is of the view that, in such circumstances, after considering the nature of land, appropriate order shall be passed under the Kerala Land Utilization Order (KLU).

4. It is made clear that conversion of land without obtaining order from the revenue authorities under KLU will not be an impediment in granting such permission under clause 6 of the land Utilization Order. Therefore, there shall be a direction to the 2nd respondent to consider the application under clause 6, based on

Ext.P4 within a period of two months from the date of receipt of the copy of this judgment. If permission is granted, it is open for the petitioner to approach the third respondent for reassessment of land under Land Tax Act. Based on the permission under clause 6 of the Kerala Land Utilization Order granted the third respondent shall consider the application for reassessment on receipt of the same within a further period of three months.

5. The 2nd respondent shall call for a report from the 4th respondent as to the status of the land before passing order. The petitioner shall also be heard before taking final decision in the matter.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE