

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 28417 of 2015 (B)

PETITIONER(S):

**P.K. JOSEPH, AGED 38 YEARS,
S/O KURIAKOSE, PUTHUPARA VEETIL,
KIDAGOOR P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.PRAVEEN K. JOY,
SRI.T.A.JOY.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ALAPPUZHA- 688 001.**
- 2. REVENUE DIVISIONAL OFFICER,
ALAPPUZHA-688 001.**
- 3. THE TAHSILDAR, KARTHIKAPPALY,
ALAPPUZHA DISTRICT-688 001.**
- 4. THE VILLAGE OFFICER, KALAVOOR VILLAGE,
ALAPPUZHA DISTRICT-688 001.**
- 5. THE SECRETARY,
MARARIKULAM SOUTH GRAMA PANCHAYATH,
KALAVOOR, ALAPPUZHA-688 546.**

R1 TO R4 BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1: THE TRUE PHOTOCOPY OF THE TAX RECEIPT DATED 04.04.2015 OF THE 4TH RESPONDENT.
- EXHIBIT P2: THE TRUE PHOTOCOPY OF THE TITLE DEED NO.2178/2007.
- EXHIBIT P3: THE TRUE PHOTOCOPY OF THE TITLE DEED NO.2206/07.
- EXHIBIT P4: THE TRUE PHOTOCOPY OF THE TITLE DEED NO.2873/07.
- EXHIBIT P5: THE TRUE PHOTOCOPY OF THE RECEIPT DATED 01.04.2015 OF BUILDING IV/500A OF 5TH RESPONDENT.
- EXHIBIT P6: THE TRUE PHOTOCOPY OF THE RECEIPT DATED 01.04.2015 OF BUILDING IV/499 OF 5TH RESPONDENT.
- EXHIBIT P7: THE TRUE PHOTOCOPY OF THE RECEIPT DATED 01.04.2015 OF BUILDING IV/500 OF 5TH RESPONDENT.
- EXHIBIT P8: THE TRUE PHOTOCOPY OF THE PLAN SUBMITTED BEFORE THE 5TH RESPONDENT.
- EXHIBIT P9: THE TRUE PHOTOCOPY OF TH RECEIPT DATED 24.08.2015 OF THE 5TH RESPONDENT.
- EXHIBIT P10: THE TRUE PHOTOCOPY OF THE CERTIFICATE DATED 07.07.2015 OF THE 4TH RESPONDENT.
- EXHIBIT P11: THE TRUE PHOTOCOPY OF THE LOCATION SKETCH DATED 06.07.2015 OF THE 4TH RESPONDENT.
- EXHIBIT P12: THE TRUE PHOTOGRAPHS.
- EXHIBIT P13: THE TRUE PHOTOCOPY OF THE ORDER DATED 22.07.2015 OF THE 5TH RESPONDENT.
- EXHIBIT P14: THE TRUE COPY OF THE APPLICATION BEFORE THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 28417 of 2015

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Dated this the 18th day of September, 2015

J U D G M E N T

The petitioner is the owner of the property in Sy. No.240/1, 240/4-2, 240/6, 240/5-8, 240/4, 240/1, 240/7-2 and 240/9 in Block No.1 of Kalavoor Village. The petitioner approached the first respondent by Ext.P14 to correct the BTR as the 'Purayidam' in stead of 'Nilam'.

2. This Court is the view that the request made by the petitioner is not sustainable. However, the petitioner is free to make a request for utilizing the land in terms of clause 6 of the Land Utilization Order for other purposes. If the petitioner makes such a request within two weeks from the date of receipt of the copy of this judgment, the District Collector shall consider the same within further period of two months after hearing the petitioner and calling for necessary report from the Agricultural Officer regarding the status of land.

3. The petitioner is free to place necessary materials before the District Collector showing the existence of building in the land. It is made clear that the conversion of land without obtaining

from the District Collector or Revenue Divisional Officer under clause 6 of the Land Utilization Order will not be an impediment in considering the application.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE