

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 28945 of 2015 (P)

PETITIONER :

**THOMAS VARGHESE, AGED 65 YEARS,
MANAGING DIRECTOR,
GRACY SYNERGY HOMES PRIVATE LIMITED,
PUTHENGADY, KOTTAYAM.**

**BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA**

RESPONDENTS :

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695001.**
- 2. THE DISTRICT COLLECTOR, KOTTAYAM - 686002.**

BY GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE RELEVANT PAGE OF DRAFT DATA BANK.
- P2: COPY OF THE FAIR VALUE REGISTER.
- P3: COPY OF THE REPORT DT 3/12/2004 ISSUED BY THE PUNJA SPECIAL OFFICER.
- P4: COPY OF THE CERTIFICATE DT 4/1/2005 ISSUED BY ASSISTANT DIRECTOR OF AGRICULTURE, KOTTAYAM.
- P5: COPY OF THE APPLICATION DT 1/7/2015 SUBMITTED TO R2.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.28945 of 2015

Dated this the 25th day of September, 2015.

J U D G M E N T

The petitioner has approached the second respondent under Clause 6 of Kerala Land Utilisation Order.

2. The petitioner's case is that the above land is a converted land much before the enactment of Act 28/2008.

3. In view of the claim of the petitioner, the case shall be considered under Clause 6 of the Kerala Land Utilisation Order by the second respondent, after verifying the draft Data Bank to find out whether the property of the petitioner is a paddy or wet land under Act 28/2008. If the property is not classified as above, necessarily the application of the petitioner shall be considered under Clause 6 of KLU Order for utilising other purpose. Needful shall be done within a period of 2 months of receipt of copy of this judgment, after giving notice to the petitioner.

The writ petition is disposed of as above.

MBS/

A.MUHAMED MUSTAQUE, Judge.

