

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. 29049 of 2015 (E)

PETITIONER(S):

**JOSE KURIAN, AGED 69 YEARS, S/O.KURIAN VAREETH,
PALATHURUTH KODIAN HOUSE, CHENNAMANGALAM P.O.,
ERNAKULAM DSITRICT-683 513.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR, ERNAKULAM-682 030.**
- 3. AGRICULTURAL OFFICER & CONVENER, LOCAL LEVEL MONITORING
COMMITTEE, KRISHI BHAVAN, PUTHENVELIKKARA-683 594.**

R 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:**

AD

WP(C).No. 29049 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF LETTER DATED 13.08.2015 ALONG WITH RELEVANT PAGES
OF DATA BANK REGISTER ISSUED BY THE 3RD RESPONDENT.**

**EXT.P2: TRUE APPLICATION AS PER KLU ORDER DATED 04.07.2015 SUBMITTED BY
THE PETITIONER BEFORE THE DISTRICT COLLECTOR, ERNAKULAM.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.29049 of 2015

Dated this the 25th day of September, 2015

JUDGMENT

The petitioner claims to be the owner and possession of 30.15 ares of land comprised in Re Survey No.171/3-3 of Putenvelikkara village in Ernakulam District.

2. According to the petitioner this land is not included in draft data bank. It is stated by the petitioner this land is converted land before the commencement of the Act 2008. The petitioner has approached the 2nd respondent District Collector to utilise the land for other purposes under Clause 6 of Kerala Land utilisation Order, 1967.

3. This Court is of the view that the petitioner's application under Clause 6 shall be considered by the District Collector. The District Collector shall call for a report of the Agricultural Officer to find out whether the land is included in the draft data bank. If not included in draft data bank, then necessary order shall be passed

under Clause 6 of Kerala Land utilisation Order. Needful shall be done within two months after issue notice to the petitioner.

The writ petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

AD