

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 30463 of 2015 (G)

PETITIONER(S):

**SAJU JOHN, AGED 50,
S/O.LATE JOHNY EAPEN, MUNDUCHIRACKAL
VELOOR P.O., VELOOR VILLAGE, KOTTAYAM TALUK,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.PRAVEEN K. JOY
SRI.TA.JOY**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM - 686 001.**
- 2. REVENUE DIVISIONAL OFFICER,
KOTTAYAM - 686 001.**
- 3. THE TAHSILDAR,
TALUK OFFICE, KOTTAYAM DISTRICTPIN - 686 002.**
- 4. THE VILLAGE OFFICER,
THIRUVARPU VILLAGE, KOTTAYAM DISTRICT, PIN - 686 004.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 30463 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE TRUE PHOTOCOPY OF THE JUDGEMENT DATED 31.10.14 IN WPC 31012/13.**
- EXT.P-2: THE TRUE PHOTOCOPY OF THE REPORT DATED 20.11.13 OF THE 1ST RESPONDENT.**
- EXT.P-3: THE TRUE PHOTOCOPY OF THE ORDER DATED 24.2.15 OF THE 2ND RESPONDENT.**
- EXT.P-4: THE TRUE PHOTOCOPY OF THE ORDER DATED 14.5.2015 OF THE LAND REVENUE COMMISSIONER, TRIVANDRUM.**
- EXT.P-5: THE TRUE PHOTOCOPY OF THE NO OBJECTION CERTIFICATE DATED 11.3.07 OF ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM.**
- EXT.P-6: THE TRUE PHOTOCOPY OF THE CERTIFICATE DATED 19.11.08 OF INDIAN OIL CORPORATION LTD., TRIVANDRUM.**
- EXT.P-7: THE TRUE PHOTOCOPY OF THE PHOTOGRAPHS OF THE PETITIONER'S PROPERTY.**
- EXT.P-8: THE TRUE PHOTOCOPY OF THE APPLICATION UNDER CLAUSE 6 BEFORE THE 1ST RESPONDENT.**
- EXT.P-9: THE TRUE PHOTOCOPY OF THE ORDER IN E9-49771/13 DATED 2.7.15**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 30463 of 2015

Dated this the 07th day of October, 2015

JUDGMENT

The petitioner approached the 2nd respondent-The Revenue Divisional Officer seeking permission to utilise the land for other purposes. This was rejected as per Ext.P3 stating that he has no such jurisdiction. Thereupon, the petitioner approached the Land Revenue Commissioner. As per Ext.P4 Order, this was remitted to the Revenue Divisional Officer. The petitioner also approached the District Collector in this regard. The District Collector also remitted the matter to the Revenue Divisional Officer.

2. The Revenue Divisional Officer is notified as the Collector in terms of Kerala Land Utilisation Order to exercise the power of the District Collector under the Kerala Land Utilisation Order. Therefore, the Revenue Divisional Officer has sufficient power. The petitioner submits that he has already established a petrol outlet in this land.

3. In that case, this Court is of the view that there is no impediment in granting necessary permission to the petitioner under Clause 6 of the Kerala Land Utilisation Order. The conversion of a land without obtaining order from the District Collector is not a ground to deny such permission. Therefore, after verifying the fact that if the petitioner had established a petroleum outlet, necessary permission shall be granted under Clause 6 of the Kerala Land Utilisation Order within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE

bpr