

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 32165 of 2015 (U)

PETITIONER(S) :

- 1. YASIQ ABDUL RAZAQ, AGED 23 YEARS,
S/O.ABDUL RAZAQ, KUNDANIL HOUSE, VENGALLOOR,
B.P.ANGADI, TIRUR 676 102, MALAPPURAM DISTRICT.**
- 2. ABDUL RASHEED ALI, AGED 32 YEARS,
S/O.MOHAMMED ALI, CHAKKANAPARAMBIL HOUSE, KAINIKKARA,
THRIPRANGODE TIRUR 676 102, MALAPPURAM DISTRICT.**

BY ADV. SRI.M.PRAVEESH

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN- 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
TIRUR TALUK, MALAPPURAM (DISTRICT), PIN- 676 605.**

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 32165 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.10244/2015
DATED 30-03-2015.**

EXHIBIT P2: TRUE COPY OF THE ORDER OF RDO,TIRUR DATED 01-08-2015.

EXHIBIT P3: TRUE COPY OF THE NOTICE OF RDO, TIRUR DATED 08-09-2015.

EXHIBIT P4: TRUE PHOTOGRAPHS OF THE LAND

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.32165/2015**

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Dated this the 22nd Day of December, 2015

J U D G M E N T

The petitioners, claim that their property comprised in resurvey No. 232/1 and 232/2 at Thrikkandiyur Village of Malappuram District is converted paddy land. They have approached this Court challenging the action initiated as per Ext.P2 proceedings by the Revenue Divisional Officer, Tirur alleging that the petitioners have attempted to reclaim the aforesaid land.

2. This Court is of the view that the petitioners are free to approach the District Collector in the light of the amended provisions of Section 3A of the Act 28 of 2008 to regularise the land. If the petitioners make a requisite application under form No.4, the District Collector shall consider the same within a period of two months from the date of receipt of the application. The petitioners are also free to approach the Tahsildar for reassessment of the land after the regularisation order is issued in terms of Section 6A of the Kerala Land Tax Act, 1961. If such an application is filed, the Tahsildar shall consider the application in the light of the directions in

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-:2:-

the judgment of this Court in **Kizhakkambalam Grama Panchayat v. Mariumma [2015 (2) KLT 516]**. Based on the order of regularisation, the petitioners are free to utilise the land as a dry land for all practical purposes.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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