

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 32209 of 2015 (A)

PETITIONER(S):

**GANGADHARAN,
S/O. KUNNATHULLY APPU, KUNNATHULLY HOUSE, MANALUR P.O.
MANALUR VILLAGE, THRISSUR DISTRICT-680 617.**

**BY ADVS.SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
AGRICULTURE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
THRISSUR CIVIL STATION, AYYANTHOLE, THRISSUR-680 003.**
- 3. THE REVENUE DIVISIONAL OFFICER,
THRISSUR-680 003.**
- 4. THE TAHSILDAR,
THRISSUR VILLAGE, TALUK OFFICE, CIVIL STATION,
AYYANTHOLE, THRISSUR-680 003.**
- 5. THE VILLAGE OFFICER,
MANALUR VILLAGE, THRISSUR DISTRICT-680 617.**
- 6. THE AGRICULTURAL OFFICER
KRISHI BHAVAN, MANALUR, P.O.KANDASSANKADAVU
THRISSUR-680 613.**
- 7. THE LOCAL THE LOCAL LEVEL MONITORING COMMITTEE
CONSTITUTED UNDER SECTION 5 OF THE KERALA
CONSERVATION OF PADDY LAND AND WET LAND ACT,
2008 IN MANALUR GRAMA PANCHAYAT,
REPRESENTED BY THE CONVENER, AGRICULTURAL OFFICER,
KRISHI BHAVAN, MANALUR, P.O.KANDASSANKADAVU,
THRISSUR-680 613.**

msv/

WP(C).No. 32209 of 2015 (A)

**8. MANALUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PANCHAYATH OFFICE
MANALUR, THRISSUR DISTRICT-680 617.**

**R1-R7 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R8 BY ADV.SMT.P.R.REENA, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE SALE DEED NO.455/1982 OF THE ANTHIKKAD SUB REGISTRAR OFFICE.

P2 : COPY OF POSSESSION CERTIFICATE DTD.18.3.2015 ISSUED FROM THE MANALUR VILLAGE OFFICE.

P3 : COPY OF TAX RECEIPT DTD.12.5.2015 ISSUED BY THE VILLAGE OFFICER, MANALUR.

P4 : COPY OF THE LETTER DTD.11.6.2015 RECEIVED FROM THE SECRETARY, MANALUR GRAMA PANCHAYATH.

P5 : COPY OF THE RELEVANT PAGE OF THE BASIC TAX REGISTER SHOWING THE NATURE OF THE PETITIONER'S PROPERTY.

P6 : COPY OF THE RELEVANT EXTRACT OF THE DRAFT DATA BANK OF MANALUR VILLAGE PUBLISHED IN ACCORDANCE WITH THE KERALA CONSERVATION OF PADDY LAND AND WET LAND ACT, 2008.

P7 : COPY OF THE ACKNOWLEDGMENT OF ACTIVITY DTD.11.8.2014 ISSUED BY THE MANAGER, DISTRICT INDUSTRIES CENTRE, THRISSUR.

P8 : COPY OF CONSENT DTD.18.2.2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.

P9 : COPY OF PHOTOGRAPH EVIDENCING THE NATURE OF THE PETITIONER'S LAND.

P9(A) : COPY OF PHOTOGRAPH EVIDENCING THE NATURE OF THE PETITIONER'S LAND.

P10 : COPY OF APPLICATION DTD.7.8.2015 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, THRISSUR.

P11 : COPY OF LETTER DTD.1.9.2015 RECEIVED FROM THE OFFICE OF THE DISTRICT COLLECTOR.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 32209 of 2015

Dated this the 2nd November, 2015

JUDGMENT

The petitioner has approached the District Collector, Thrissur by Exhibit P10 for correcting the wrong entry entered in the revenue records.

2. The land in question is comprised in Sy.Nos.489/2 and 493/3 of Manalur Village. According to the petitioner, this land is a wet land much before the Act 28 of 2008, therefore, the entries in the BTR are to be corrected.

3. The learned Government Pleader points out that Exhibit P10 is not a proper application. The petitioner has to make a proper application under the Kerala Land Utilisation Order for utilising the land.

In the above circumstances, this Court is of the view that the petitioner shall make an application under Clause 6 of the Kerala Land Utilisation Order to utilise the land for starting solid brick manufacturing unit. This shall be done within two weeks from the date of receipt of a copy of this

judgment. Thereafter, the District Collector shall conduct an enquiry and if it is found that the land cannot be classified as wet land or paddy land as on the date of enactment of Act 28 of 2008, appropriate decision shall be taken within two months after receiving such application. If the District Collector gives permission under Clause 6 of the Kerala Land Utilisation Order, it is open for the petitioner to approach the Tahsildar for re-assessment under the Land Tax Act. Before taking final decision by the District Collector, a report relating to ground reality existed in the property shall be called for.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs3/11/15