

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 32711 of 2015 (L)

PETITIONER(S) :

**V.K.MUHAMMED ASHRAF, AGED 55 YEARS,
S/O.MUHAMMED, V.K.HOUSE, EDAYOOR P.O.,
MALAPPURAM DISTRICT, PIN-676 554, DIRECTOR,
ROSETTA BUILDERS AND DEVELOPERS PVT.LTD., F.4, CHORUS,
KOCHAR ROAD, SHASTHAMANGALAM P.O.,
THIRUVANANTHAPURAM-695 010.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S) :

**1. THE REVENUE DIVISIONAL OFFICER
TIRUR- 676 551.**

**2. THE VILLAGE OFFICER
VILLAGE OFFICE, VAZHAYOOR,
MALAPPURAM DISTRICT- 676 553.**

BY SPL.GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 32711 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1 : TRUE COPY OF THE DOCUMENT NO.3794/2011 OF S.R.O
KONDOTTY.**
- EXT.P2 : TRUE COPY OF THE COMPOSITE LAND TAX RECEIPT.**
- EXT.P3 : TRUE COPY OF THE PHOTOGRAPHS OF THE PETITIONER'S
PROPERTY.**
- EXT.P4 : TRUE COPY OF THE APPLICATION DATED 26-06-2015 SUBMITTED
UNDER CLAUSE 6(2) OF THE KERALA LAND UTILISATION
ORDER, 1967.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 32711 of 2015

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Dated this the 28th day of October, 2015

J U D G M E N T

The petitioner is in possession of 25 cents of dry land in Sy.No.43/4 of Vazhayoor Village of Earnad Taluk in Malappuram District. According to the petitioner, the property is a reclaimed land and is not fit for any agricultural purposes. However the property is described as 'Thodu' in the data bank. The petitioner submitted an application (Ext.P4) before the 1st respondent under clause 6 of the Kerala Land Utilization Order to utilise the properties of the petitioner's for the other purposes.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. Considering the facts and circumstances, this Court is of the view that the 1st respondent shall find out the nature of land in the Draft Data Bank. If the land referred above is not classified as paddy or wet land, the same shall be considered for the purpose of granting permission under the Clause 6 of the Kerala Land

Utilization Order. Needful shall be done by the 1st respondent within a period of two months from the date of receipt of a copy of this judgment, after issuing notice to the petitioner.

The writ petition is disposed of, as above.

Sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE