

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 34298 of 2014 (J)

PETITIONER(S) :

**R.RAVINDRAN NAIR, AGED 49 YEARS,
S/O.K.V.RAMAKRISHNAN NAIR, SREENIKETHAN,
PUTHALATH PARAMBU, KOMMERY PO, VALAYANADU VILLAGE,
KOZHIKODE TALUK, KOZHIKODE DISTRICT- 673 007.**

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE- 673 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE- 673 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE SALE DEED DOCUMENT NOS.714/2007 OF
MAVOOR SUB REGISTRY OFFICE.**

**EXHIBIT P2: TRUE COPY OF THE SALE DEED DOCUMENT NOS.715/2007 OF
MAVOOR SUB REGISTRY OFFICE.**

**EXHIBIT P3: TRUE COPY OF THE SALE DEED DOCUMENT NO.4877/2007 OF
MAVOOR SUB REGISTRY OFFICE.**

**EXHIBIT P4: TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 08/10/2014
ISSUED BY THE PERUMANNA GRAMA PANCHAYATH.**

EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 29/01/2013.

**EXHIBIT P6: TRUE COPY OF THE REPORT PREPARED BY VILLAGE OFFICER,
PERUMANNA ALONG WITH THE EXTRACT OF REVENUE RECORDS**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 34298 of 2014

Dated this the 04th day of December, 2015

JUDGMENT

The petitioner is the owner of the property comprised in Re-survey No.14/1A of Perumanna Village. According to the petitioner, this is a converted land and also not included in the Draft Data Bank.

2. The petitioner submits that he is entitled for a permission to utilise the land for other purposes. The petitioner refers to the report of the Village Officer produced as per Ext.P6. In this report, it is seen that there are planted coconut trees, arecanut trees, plantain etc.

3. This Court is of the view that if the petitioner approaches the District Collector, Kozhikode under clause 6 of the Kerala Land Utilisation Order, such application shall be considered without any delay. If the property is not included in the Draft Data Bank and if the property is not

cultivated with the same food crops which were in cultivation originally, necessary permission under clause 6 of the Kerala Land Utilisation Order, shall be granted to the petitioner. The District Collector has to note that under clause 7 of the Kerala Land Utilisation Order, the District Collector can only command holder of the land to cultivate the land with food crops which were in cultivation in the land. Therefore, if the same food crops cannot be cultivated in the land, the District Collector has to exercise its power to grant permission under clause 6 of the Kerala Land Utilisation Order.

In that view of the matter, the writ petition is disposed of with the following directions :

If the petitioner approaches the District Collector within two weeks from the date of receipt of a copy of this judgment, the District Collector shall consider the same within two months after giving notice to the petitioner in the light of the judgment.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE