

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 34893 of 2014 (J)

PETITIONER:

SAFIYA ABDUL SALAM, AGED 46 YEARS
W/O. ABDUL SALAM, KALAPPURAKKAL VEEDU,
THRIKKAKARA, COCHIN-682 021.

BY ADV. SRI. S. MOHAMMED AL RAFI

RESPONDENTS:

1. THE DISTRICT COLLECTOR
ERNAKULAM-682 030.
2. THE REVENUE DIVISIONAL OFFICER
MUVATTUPUZZHA.
3. THE TAHSILDAR
KUNNATHUNAD TALUK, ERNAKULAM.
4. THE VILLAGE OFFICER
VAZHAKULAM VILLAGE, ERNAKULAM.

BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVEENDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
5-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE LAND TAX RECEIPT DATED 17.7.2014.

EXHIBIT-P2: TRUE COPY OF THE PETITIONER'S APPLICATION DATED 27/11/2014
MADE UNDER CLAUSE 6(2) OF THE KLU ORDER PENDING BEFORE
THE 2ND RESPONDENT.

EXHIBIT-P3: TRUE COPY OF THE REPORT DATED 22/7/2014 PREPARED BY THE
4TH RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

AHZ/

K.T.SANKARAN, J.

W.P.(C) No.34893 of 2014 (J)

Dated this the 5th day of February, 2015

JUDGMENT

K.T.Sankaran, J.

Petitioner states that she is in possession and ownership of 2.98 Ares of land in R.S.Nos.362/12 and 362/13 of Vazhakulam Village as per sale deed No.4435/2005 of the Sub Registrar's Office, Perumbavoor. She also claims title and possession over 3.63 Ares of land in R.S.No.362/11-2 of Vazhakulam Village by virtue of sale deed No.3711/2005 of Sub Registrar's Office, Perumbavoor. The petitioner pays land tax for the said lands.

2. According to the petitioner, there is no paddy cultivation in the land mentioned above for the past more than thirty years. The land is at present a garden land and there are old coconut trees in the land. It is pointed out that there is no paddy cultivation in the adjacent lands as well. The neighbouring properties are also garden lands with coconut trees aged more than thirty years.

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3. The petitioner submitted Ext.P2 application dated 27.11.2014 before the Revenue Divisional Officer, Muvattupuzha under Clause 6 of the Kerala Land Utilisation Order 1967. The grievance of the petitioner is that Ext.P2 application is not yet disposed of by the Revenue Divisional Officer, Muvattupuzha.

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

5. The reliefs prayed for in the Writ Petition are to issue a writ of mandamus directing the second respondent (The Revenue Divisional Officer, Muvattupuzha) to grant permission to develop the property belonging to the petitioner and also to consider and dispose of Ext.P2 application.

6. As far as the relief for granting permission to develop the property belonging to the petitioner is concerned, it is for the second respondent to consider the same while disposing of Ext.P2 application. In the facts and circumstances, there will be a direction

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to the second respondent to consider and dispose of Ext.P2 application submitted by the petitioner in accordance with law and after affording an opportunity of being heard to the petitioner, as expeditiously as possible and, at any rate, within a period of three months.

The Writ Petition is disposed of as above.

(K.T.SANKARAN)
Judge

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