

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A. MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 34923 of 2015 (M)

PETITIONER :

**ETHAPPAN, AGED 59 YEARS,
S/O OUSEPH, MULAVARICKAL HOSUE,
PIRAROOR P.O., ERNAKULAM DISTRICT-683574.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF AGRICULTURE, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM - 682030.**
- 3. AGRICULTURAL OFFICER & CONVENER,
LOCAL LEVEL MONITORING COMMITTEE,
MALAYATOOR-NEELESWARAM KRISHI BHAVAN,
NEELESWARAM, ERNAKULAM DISTRICT.**

BY GOVERNMENT PLEADER SRI. SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF LETTER DATED 16.10.2015 ALONG WITH RELEVANT
PAGES OF DATA BANK REGISTER ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P2: TRUE APPLICATION AS PER KLU ORDER DATED 4.11.2015 SUBMITTED
BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR,
ERNAKULAM.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34923 of 2015

Dated this the 19th day of November, 2015

JUDGMENT

The petitioner approached the second respondent under Clause 6 of the Kerala Land Utilisation Order, 1967(for short, the 'Order').

2. The petitioner's case is that his land is a converted land much before the enactment of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for short, the “Act 28/2008”).

In view of the claim of the petitioner, the case shall be considered under Clause 6 of the Order by the second respondent, after verifying the draft data bank to find out whether the property of the petitioner is a paddy or wet land under the Act 28/2008. If the land is not classified as above, necessarily, the application of the petitioner shall be considered under Clause 6 of the Order for utilizing other purpose. Needful shall be done 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/-

A.MUHAMED MUSTAQUE, JUDGE