

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. 34925 of 2015 (M)

PETITIONER :

**ANEES STEPHAN, AGED 57 YEARS,
W/O. ESTHAPPAN, MULAVARICKAL HOUSE,
PIRAROOR P.O., ERNAKULAM DT.-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 AND CONVENER,
LOCAL LEVEL MONITORING COMMITTEE,
MALAYATOOR-NEELESWARAM KRISHI BHAVAN,
NEELESWARAM, ERNAKULAM DT.-683574.**

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

bp

WP(C).No. 34925 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF LETTER DT. 16/10/2015 ALONG WITH RELEVANT PAGES OF DATE BANK REGISTER ISSUED BY THE R3.
- P2: TRUE APPLICATION AS PER KLU ORDER DT 4/11/2015 SUBMITTED BY THE PETITIONER.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34925 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

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