

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 35436 of 2014 (D)

PETITIONER(S):

**GEORGE,
S/O.AUGUSTHY, CHIMMINIKATTU HOUSE, KURINJI KARA,
KURINJI P.O., RAMAPURAM VILLAGE, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.S.GEORGE

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
MEENACHIL,PALA - 686 653.**
- 3. THE VILLAGE OFFICER, RAMAPURAM VILLAGE,
KOTTAYAM - 686 001.**
- 4. THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
RAMAPURAM - 686 591.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 35436 of 2014 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT.P1: TRUE COPY OF TAX RECEIPT DT 10-07-2014 ISSUED BY THE
3RD RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF RELEVANT PAGE OF DRAFT DATA BANK OF
RAMAPURAM VILLAGE, DATED NIL.**

**EXHIBIT P3: TRUE COPY OF THE POSSESSION CERTIFICATE DT 20-09-2014 ISSUED
BY THE 3RD RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE POSSESSION CERTIFICATE DT 3-12-2014 ISSUED
BY THE 3RD RESPONDENT.**

**EXHIBIT P5: TRUE COPY OF THE PROPERTY TAX DT 13-10-2014 ISSUED BY THE
RAMAPURAM GRAMA PANCHAYAT.**

**EXHIBIT P6: TRUE COPY OF THE APPLICATION DT 22--12-2014 UNDER KLU BEFORE
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 35436 of 2014

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Dated, this the 9^h day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

(a) Issue a writ of mandamus or any other appropriate writ, direction or order directing the 2nd respondent to consider Ext. P6 application and grant permission to the petitioner as prayed for in the said application.

(b) Issue such other writ, order or direction as this Honourable Court deems fit and proper to grant in the facts and circumstances of the case.

2. The learned counsel for the petitioner submits that the property belonging to the petitioner having an extent of 32.80 Ares situated in Re.Sy No. 309/9 of Ramapuram village is neither a 'paddy land', nor a 'wet land' as defined under Section 2 (xii) or 2 (xviii) of Act 28 of 2008 and only a 'dry land'. It is pointed out that property has not been included in the register of Data Bank as discernible from Ext.P2. Ext.P3 is the possession certificate issued by the 3rd respondent showing the land as 'Purayidam' but when Ext. P4

possession certificate was issued by the 3rd respondent, the very same land is shown as 'Nilam'. Ext. P5 is the receipt as to the remittance of land tax before the concerned authority. Since the property has been described as 'Nilam' in the revenue records, the petitioner has approached the 2nd respondent by filing Ext. P6 under Clause 6 of the Kerala Land Utilization Order. The prayer is only to cause the same to be considered within a reasonable time in the light of the decisions rendered by this Court in **Joseph John Vs. Land Revenue Commissioner [2014 (1) KLT 706]** and **Dileep Kumar Vs. State of Kerala [2014 (4) KLT 200]**.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides the writ petition is disposed of directing the second respondent to call for a report from the concerned Agricultural Officer as to the nature and topography of the land in question and to pass appropriate orders on Ext. P6, of course in the light of the decisions cited supra and other binding precedents, if any, after affording an opportunity of hearing to the petitioner. The proceedings as above shall be finalized, as expeditiously as possible, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

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: 3 :

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd