

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 35412 of 2015 (B)

PETITIONER:

**RAJAMMA C,
W/O SREEDHARAN PILLAI,
ANIZHAM HOUSE,
THALAYAR MURI
KUTTOOR P.O.,
THIRUVALLA.**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENTS:

- 1. THE REVENUE DIVISIONAL OFFICER
THIRUVALLA, 689101.**
- 2. KUTTOOR GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY,
KUTTOOR P.O., THIRUVALLA
689106.**
- 3. THE AGRICULTURAL OFFICER/CONVENER OF THE LOCAL LEVEL
MONITORING COMMITTEE
KRISHI BHAVAN,
KUTTOOR-689106.**

**R1 & R3 BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.
R2 BY SMT.K.S.SANTHI, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 35412 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE SALE DEED DOCUMENT NO.916/2009 DATED
9.4.2009 REGISTERED IN SUB REGISTRAR OFFICE, THIRUVALLA.**

**EXHIBIT P2: TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK
PREPARED BY THE 3RD RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE BUILDING PERMIT DATED 25.2.2009 ISSUED
BY THE 2ND RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE LETTER DATED 13.8.2015 PREFERRED BY THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

K. HARILAL, J.

W.P.(C) No. 35412 of 2015-B

Dated this the 02nd day of December, 2015

JUDGMENT

The petitioner is an 86 year old lady who is in possession and enjoyment of 4.65 Ares of land comprising in Survey No. 108/2 of the Kuttoor Village, by virtue of Ext. P1 sale deed. According to the petitioner, her prior owner had obtained Ext. P3 building permit, for the construction of a building, in the above said property and the construction has been completed by the petitioner subsequent to the purchase of the said property, by Ext. P1. Thereafter, the petitioner has filed an application before the second respondent, to issue occupancy certificate, after numbering the building.

2. The grievance of the petitioner is that despite the long lapse of time, the second respondent has not taken a decision, on the above application and the matter is being delayed unnecessarily. It is seen that by Ext. P4, the second respondent has sought for a clarification as regards the nature and lie of the land from the Revenue

Divisional Officer for numbering the building. Ext. P2 data bank shows that the land was lying as a dry land having trees aged more than 10 years. According to the petitioner, Ext. P2 prepared by the competent statutory authorities under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 is more than sufficient to establish the nature and lie of the land where the petitioner has completed the construction.

3. Hence the petitioner had prayed for a direction to the second respondent to issue the occupancy certificate after numbering the building.

4. Having regard to the grievance ventilated through the pleadings in this writ petition and Ext.P2 copy of the data bank, I am of the view that the grievance projected in this writ petition deserves to be considered and addressed by the second respondent, at the earliest.

5. In the above view of the matter, the second respondent is directed to pass an order on the application filed by the petitioner for issuing occupancy certificate after numbering the building, at the earliest, at any rate,

within a period of one month, from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner also.

This writ petition is disposed of accordingly.

K. HARILAL, JUDGE

DCS