

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36939 of 2015 (N)

PETITIONER :

**MINI DIAS,
AGED 44 YEARS, WIFE OF ADV. C.S.DIAS,
RESIDING AT XL/5542, MARKET ROAD,
KOCHI - 682 035, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE VILLAGE OFFICER
THIRUVALLA VILLAGE,
PATHANAMTHITTA DISTRICT- 689 101.**
- 2. TAHASILDAR,
TALUK OFFICE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT - 689 101.**
- 3. THE STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, SECRETARIAT
THIRUVANANTAPURAM - 695 001.**

R1 TO R3 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 36939 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 :** TRUE COPY OF THE TAX RECEIPTS ISSUED BY THE VILLAGE OFFICER, THIRUVALLA VILLAGE DATED 17.11.2015.
- EXT.P2:** TRUE COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK OF THIRUVALLA VILLAGE ISSUED BY THE AGRICULTURE OFFICER, THIRUVALLA.
- EXT.P3:** TRUE COPY OF JUDGMENT DATED 20/12/2014 IN WPC.NO.23945/2014 OF THIS HONOURABLE COURT.
- EXT.P4:** TRUE COPY OF THE ORDER OF DISTRICT COLLECTOR, PATHANAMTHITTA UNDER CLAUSE 6 OF THE KERALA LAND UTILIZATION ORDER DATED 30/10/2015.
- EXT.P5:** TRUE COPY OF THE REPORT OF AGRICULTURAL OFFICER, THIRUVALLA DATED 22/04/2015.
- EXT.P6:** TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY THE FIRST RESPONDENT DATED 16/10/2014.
- EXT.P7:** TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 28/11/2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 36939 of 2015

Dated this the 07th day of December, 2015

JUDGMENT

The petitioner is the owner in possession of the landed property situated in Re-survey Nos.14, 17, 18/1 and 86 of Thiruvalla Village, Pathanamthitta District. The District Collector, Pathanamthitta, has granted permission to utilise the land under clause 6 of the Kerala Land Utilisation Order.

2. The petitioner has approached this Court seeking a direction to the Revenue Officials to re-assess the land under the Kerala Land Tax Act or to issue possession certificate showing that the land is a converted land.

3. Considering the facts and circumstances of the case, this Court is of the view that, since the petitioner has already been granted permission to utilise the land under clause 6 of the Kerala Land Utilisation Order, the Tahsildar shall take

necessary steps to re-assess the land in terms of the Kerala Land Tax Act or to issue a possession certificate showing that the land is a converted land. The Tahsildar shall consider the application to re-assess the land in the light of the decision of this Court in *Kizhakkambalam Grama Panchayath Vs. Mari Umma* [2015(2) KLT 516]. It is made clear that the petitioner is free to utilise the land for any other purposes and no embargo can be placed on petitioner's land. Needful shall be done by the Tahsildar, within a period of six weeks, from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr