

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 37173 of 2015 (V)

PETITIONER :

**PRINCE VARKEY
S/O. VARKEY, AGED 46 YEARS
KARAKOMBIL HOUSE
KOTHAMANGALAM VILLAGE
CHELAD P.O., KOTHAMANGALAM TALUK
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE REVENUE DIVISIONAL OFFICER (R.D.O.)
MUVATTUPUZHA, ERNAKULAM DISTRICT – 682 301.**
- 2. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT – 682 030.**

R1 & R2 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 37173 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF THE TAX RECEIPT OF THE PROPERTY OF THE PETITIONER
DATED 16.11.2015 ISSUED BY THE VILLAGE OFFICER,
KOTHAMANGALAM VILLAGE.**

**EXT.P2 COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK ISSUED BY
THE VILLAGE OFFICER, KOTHAMANGALAM VILLAGE.**

**EXT.P3 COPY OF THE APPLICATION DATED 2.11.2015 SUBMITTED BY THE
PETITIONER BEFORE THE FIRST RESPONDENT UNDER THE
PROVISIONS OF THE KERALA LAND UTILIZATION ORDER, 1967.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.37173 of 2015

Dated this the 8th day of December, 2015

JUDGMENT

The petitioner approached the first 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 first 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