

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 37509 of 2015 (K)

PETITIONER:

ADARSH.M.K AGED 36 YEARS
S/O.KRISHNAN, MOLEKUDIYIL HOUSE, OONNUKAL PO
KOTHAMANGALAM, ERNAKULAM

BY ADVS.SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

1. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT PIN - 682 030.
2. THE TAHSILDAR
KOTHAMANGALAM, ERNAKULAM, PIN 686 691.
3. KAVALANGADU GRAMA PANCHAYAT
NELLIMATTOM PO, KOTHAMANGALAM
REPRESENTED BY ITS SECRETARY PIN 686 693.
4. TERRITORY MANAGER (LPG)
BHARATH PETROLEUM CORPORATION LTD
KOCHI TERRITORY OFFICE & LPG PLANT, AMBALAMUGAL
PIN 682 302.

R4 BY SRI.M.GOPIKRISHNAN NAMBIAR
R1 AND BY SPECIAL GOVERNMENT PLEADER SRI.P.K. SOYUZ

THIS 2 WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- P1- TRUE COPY OF PHOTOGRAPH SHOWING THE LIE AND NATURE OF THE PROPERTY.
- P2- TRUE COPY OF THE COMMUNICATION DATED 22.7.2014 ISSUED BY THE 4TH RESPONDENT.
- P2 (A) - TRUE COPY DEMAND DRAFT DATED 18.2.2014.
- P3- TRUE COPY OF LETTER DATED 29.10.2014 ISSUED BY THE 1ST RESPONDENT TO RESPONDENTS 2 AND 3.
- P4- TRUE COPY OF THE REPORT DATED 18.11.2014 ISSUED BY THE 3RD RESPONDENT.
- P5- TRUE COPY OF THE REPORT DATED 31.12.2014 ISSUED BY THE 2ND RESPONDENT.
- P6- TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT.
- P7- TRUE COPY OF THE CONSENT TO ESTABLISH DATED 16.8.2014 ISSUED BY KERALA POLLUTION CONTROLL BOARD.
- P8- TRUE COPY OF THE PETITION DATED 3.11.2015 ISSUED BY THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.A. TO JUDGE.

kp/-

A. MUHAMED MUSTAQUE, J.

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W.P.(C). No.37509 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

The land to an extent of 41.75 cents situate in Oonnukal - Thodupuzha Highway have been selected by the 4th respondent for establishing and operating a LPG distribution outlet. As per revenue records it is a converted land and not included as paddy land or wet land in the Draft Data Bank Register. The petitioner has produced Exts. P4 to P6, the reports from different corners which stands in his favour.

2. On going through the records, it is seen that the property concerned is a converted land. In that view of the matter, petitioner's land can be regularized in terms of amended provision, i.e., Section 3A of the Act 28 of 2008, on payment of 25% of the fair value in respect of the land. Therefore following directions are issued:

3. The District Collector shall regularize the land under the relevant provisions of Section 3A and on payment of 25% of the fair value. The petitioner shall make an application within two

weeks in requisite form. After the payment of fair value, the Tahsildar/second respondent shall re-assess the land tax payable in terms of Section 6A the Kerala Land Tax Act, 1961.

4. Once the land is regularized, the petitioner is entitled to start a LPG distribution outlet or any other activity, as it is a converted land and can be treated as a purayidom for any other benefit attached to the land. The Tahsildar/second respondent shall complete this exercise within a further period of one month from the date of receipt of a copy of the order of regularization. The District Collector/first respondent shall issue a No Objection Certificate along with the regularization, if there is no other impediment in granting the same.

The writ petition is disposed of.

**A. MUHAMED MUSTAQUE,
JUDGE.**