

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38267 of 2015 (G)

PETITIONERS :

- 1. P.A. JOSE, AGED 62 YEARS,
S/O. ANTONY, PAYYAPPILLY HOUSE,
KOTTAYAM VILLAGE, KOTTAYAM DISTRICT.**
- 2. SONA BABU
W/O. BABU M.PHILIP, THUMBIL AMBU PARAMBIL HOUSE,
KOTTAYAM VILLAGE, KOTTAYAM DISTRICT.**
- 3. HIMA DANY, W/O. DANY THOMAS,
ALAPPATT HUSE, PERINGAVU DESOM
CHEMBUKAVU VILLAGE, THRISSUR DISTRICT.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENTS :

- 1. THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, THRISSUR - 680 001.**
- 2. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, OLLUR, THRISSUR - 680 306.**
- 3. THE VILLAGE OFFICER
OLLUR, THRISSUR - 680 306.**

R1 TO R3 BY GOVERNMENT PLEADER SRI. P.K. SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: - TRUE COPY OF JUDGMENT DT. 09.09.2015 IN WPC 27187/15 OF THIS HON'BLE COURT.
- P2: - TRUE COPY OF ORDER DT. 08.9.2015 PASSED BY THE 1ST RESPONDENT UPON THE APPLICATION OF THE 1ST PETITIONER.
- P3: - TRUE COPY OF ORDER DT. 08.9.2015 PASSED BY THE 1ST RESPONDENT UPON THE APPLICATION FILED BY THE 2ND PETITIONER.
- P4: - TRUE COPY OF ORDER DT. 04.9.2015 PASSED BY THE 1ST RESPONDENT UPON THE APPLICATION FILED BY THE 3RD PETITIONER.
- P5: - TRUE COPY OF REPORT SUBMITTED BY THE 2ND RESPONDENT WITH RESPECT TO THE PROPERTY OF THE 1ST PETITIONER.
- P6: - TRUE COPY OF REPORT SUBMITTED BY THE 2ND RESPONDENT WITH RESPECT TO THE PROPERTY OF THE 2ND PETITIONER.
- P7: - TRUE COPY OF REPORT SUBMITTED BY THE 2ND RESPONDENT WITH RESPECT TO THE PROPERTY OF THE 3RD PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.38267/2015

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Dated this the 21st Day of December, 2015

J U D G M E N T

The writ petitioners' application for utilisation of the land for other purposes under the Kerala Land Utilisation Order has been rejected by the Revenue Divisional Officer as per Ext.P2 stating that the entry in the data bank has to be corrected and the same cannot be dealt with under clause 6 of the KLUO. The petitioners point out to Ext.P6 letter of the Agricultural Officer addressed to the Revenue Divisional Officer whereby the decision of the Local Level Monitoring Committee to exclude the petitioners' land from the data bank has been communicated.

2. This Court is of the view that the petitioners' application can be considered in the light of the amended provisions of Section 3A of the Act 28 of 2008. Therefore, the District Collector, Thrissur is directed to consider the application of the petitioners, under Section 3A after obtaining a report from the Agricultural Officer as to the nature of the land in question and further that the application shall be considered in the light of the directions in the judgment of this Court in W.P.(C).No.37344/2015 dated 21/12/2015 and connected cases.

No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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