

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. 38434 of 2015 (D)

PETITIONER(S):

**NASIF T.P., AGED 33 YEARS,
S/O.MUHAMMED T.P., THAZHATHEPEEDIYEKKAL HOUSE,
PATTIKKAD P.O., CHUNGAM, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM, PIN 676 505.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM, PIN 676 505.**
- 3. THE TAHSILDAR,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN 679 322.**
- 4. THE VILLAGE OFFICER,
KARYAVATTOM VILLAGE, MALAPPURAM DISTRICT, PIN 676 505.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:TRUE COPY OF THE LETTER OF INTEND ISSUED BY THE INDIAN OIL CORPORATION LTD., KOZHIKODE DATED 22.01.2015
- P2:TRUE COPY OF THE LEASE DEED EXECUTED BETWEEN THE FATHER OF THE PETITIONER AND THE PETITIONER DT. 18.11.2015
- P3:TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE SECRETARY, VETTATHOOR GRAMA PANCHAYATH DT. 17.04.2015
- P4:TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE DEPUTY COMMISSIONER COMMERCIAL TAXES, MALAPPURAM DATED 12.03.2015
- P5:TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE DISTRICT LABOUR OFFICER, MALAPPURAM DATED 04.04.2015
- P6:TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE DIVISIONAL OFFICE,R FIRE AND RESCUE SERVICES, PALAKKAD DATED 18.03.2015
- P7:TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE DIVISIONAL FOREST OFFICER, NILAMBUR DATED 07.04.2015
- P8:TRUE COPY OF THE COMMUNICATION ISSUED TO THE DISTRICT SUPPLY OFFICER, MALAPPURAM BY THE 1ST RESPONDENT, DATED 07.03.2015
- P9:TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE EXECUTIVE ENGINEER, PWD ROADS DIVISION, MANJERI DATED 20.04.2015
- P10:TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT ADDRESSED TO THE 3RD RESPONDENT DATED 07.03.2015
- P11:TRUE COPY OF THE REPORT SUBMITTED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT DATED 26.05.2015
- P12:TRUE COPY OF THE REPORT OF THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA DATGED 25.04.2007
- P13:TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, VETTATHOOR DT. 25.11.2015
- P14:TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK IN RESPECT OF THE PROPERTIES OF THE PETITIONER

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

A. MUHAMED MUSTAQUE, J.

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W.P.(C). No.38434 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

The land to an extent of 29.55 cents situate in Sy.No.40/2 of Karyavattom Village was taken on lease by the petitioner from his father. The petitioner intends to start a petroleum retail 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 Ext.P12 dated 25.4.2007, the report of RDO concerned, stating that permission can be granted to the petitioner to start a petroleum retail outlet.

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/third 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 petroleum 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/third 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.**