

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. 38913 of 2015 (L)

PETITIONER:

**ABDUL LATHEEF, AGED 59 YEARS,
S/O.MAMUKUTTY MUSLIAR,
AYINJILAM DESOM, KONDOTTY THALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.C.A.NAVAS
SRI.T.K.SASIKUMAR**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
REVENUE DEPARTMENT,
GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA,
MALAPPURAM DISTRICT - 677 610.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

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

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : PHOTOSTAT COPY OF THE TAX RECEIPT NO.8738788 DATED 1.12.2015.
- EXT. P2 : PHOTOSTAT COPY OF THE POSSESSION CERTIFICATE NO.5829/15
DATED 1.12.2015.
- EXT. P3 : PHOTOSTAT COPY OF RELEVANT PAGE OF DATA BANK.
- EXT. P4 : PHOTOSTAT COPY OF THE PHOTOGRAPHS SHOWING THE PRESENT
NATURE OF PROPERTY.
- EXT. P5 : PHOTOSTAT COPY OF THE BUILDING PERMIT NO.87/2011
DATED 24.3.2011.
- EXT. P6 : PHOTOSTAT COPY OF THE BUILDING PERMIT NO.370/2011
DATED 7.6.2014.
- EXT. P7 : PHOTOSTAT COPY OF THE SPECIFICATION AND REPORT OF THE
PROPOSED BUILDING NO. NIL DATED NIL.
- EXT. P8 : PHOTOSTAT COPY OF THE REPRESENTATION NO. NIL
DATED 7.12.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.38913 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner approached the second respondent under Clause 6 of the Kerala Land Utilization Order (for short, the 'Order'). According to the petitioner, it is a converted paddy land.

In the light of the amendment to Act 28/2008 by adding Section 3A, this Court is of the view that the District Collector has no power to consider the application under Clause 6 of the Order. The petitioner has to approach the District Collector in Form-IV for regularization of the land in terms of the amended provisions. If the petitioner approaches the Collector, the same shall be considered in the light of the judgment of this Court in W.P.(C) No.38112/2015 and connected cases dated 21.12.2015.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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