

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 39106 of 2015 (K)

PETITIONER(S):

**GAFOOR.M.P, AGED 47 YEARS,
S/O.KUNJAMMATH HAJI, SAJITH VILLA, PARAPPAN POYIL P.O.
THAMARASSERY, KOZHIKODE DIST. PIN - 673 573.**

**BY ADVS.SRI.M.G.SREEJITH
SRI.ABDUL JALEEL ONATH
SMT.P.J.RAZIA BEEVI**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR, KOZHIKODE - 673 001.**
- 3. THE REVENUE DIVISIONAL OFFICER, KOZHIKODE - 673 001.**
- 4. THE SECRETARY,
THAMARASSERY GRAMA PANCHAYATH, THAMARASSERY P.O.,
KOZHIKODE - 673 574.**
- 5. THE VILLAGE OFFICER,
RAROTH, THAMARASSERY P.O., KOZHIKODE - 673 574.**

R1-3 & 5 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF SALE DEED NO.430/2012 OF SRO, THAMARASSERY
GRAMA PANCHAYATH**
- EXT.P-2: TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY THE 5TH
RESPONDENT VILLAGE OFFICER DATED 10.1.2014**
- EXT.P-3: A TRUE COPY OF RELEVANT PAGE OF DATA BANK ISSUED BY THE
4TH RESPONDENT SECRETARY, THAMARASSERY GRAMA
PANCHAYATH**
- EXT.P-4:SERIES: ORIGINAL PHOTOGRAPHS OF PETITIONER'S PROPERTY BEARING
RE.SY.24 OF RAROTH VILLAGE.**
- EXT.P-5: TRUE COPY OF APPLICATION DATED 8.10.2015 FILED BY THE
PETITIONER BEFORE THE 2ND AND 3RD RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

W.P.(C).No. 39106 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioner claims that he is the owner and possession of the converted paddy land comprised in Re-Survey No.24 of Raroth Village. The petitioner approached the 2nd and 3rd respondent seeking a permission under clause 6 of the Kerala Land Utilisation Order.

2. This Court is of the view that such application is not maintainable in the light of amended provisions of Section 3A of Act 28/2008. The Collector has no power under clause 6 of the Kerala Land Utilisation Order to regularise the land which is reclaimed prior to Act 28/2008 in the light of amendment to Section 3A of Act 28/2008. Therefore, the following directions are issued:

- i) If the petitioner approaches the District Collector under Section 3A in the requisite format, the same shall be considered within two months from the receipt of such application.
- ii) The District Collector shall verify whether the land in question is included as a paddy land in the Draft Data Bank.
- iii) If it is not included in the Draft Data Bank on satisfied that it is a converted land, necessary permission shall be granted on payment of 25% of the fair value as contemplated under Section 3A of Act 28/2008.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr