

Rajesh Vs. State of Kerala

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Court : Kerala

Decided On : Oct-03-2013

Judge : Honourable Mr.Justice K.Surendra Mohan

Appellant : Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON THURSDAY, THE 3D DAY OF OCTOBER 2013 11TH ASWINA, 1935 WP(C).No. 24095 of 2013 (J) ----- PETITIONER(S): ----- PONNANGATHODY SAHARABHANU, W/O.DR.K.T. RABIBULLA, KARUVANTHODY HOUSE, KODOOR, MALAPPURAM DISTRICT. BY ADVS.SRI.K.MUHAMMED SALAHUDHEEN, SRI.P.MARTIN JOSE, SRI.P.PRIJITH, SRI.THOMAS P.KURUVILLA. RESPONDENT(S): ----- 1. THE DISTRICT COLLECTOR, MALAPPURAM, PIN-676 505.

2. THE SUB COLLECTOR, PERINTHALMANNA, PIN - 679 322.

3. THE ADDITIONAL TAHASILDAR, ERANADI MANJERI.

4. THE VILLAGE OFFICER, NARUKARA, MALAPPURAM DISTRICT. BY SR. GOVT.PLEADER MR.JOSEPH GEORGE. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-10-2013, THE COURT ON THE

SAME DAY DELIVERED THE FOLLOWING: rs. WP(C).No. 24095 of 2013 (J) APPENDIX PETITIONER'S EXHIBITS:- EXT.P1 - TRUE COPY OF THE BASIC TAX RECEIPT DATED0209-2010. EXT.P2 - TRUE COPY OF PHOTOGRAPHS SHOWING THE LIE OF THE PROPERTY. EXT.P3 - TRUE COPY OF THE REPORT DATED0209-2011 SUBMITTED BY THE4H RESPONDENT BEFORE THE2D RESPONDENT. EXT.P4 - TRUE COPY OF SKETCH SUBMITTED BY THE4H RESPONDENT BEFORE THE2D RESPONDENT. EXT.P5 - TRUE COPY OF DATA BANK LAND DETAILS. EXT.P6 - TRUE COPY OF THE REPORT DATED2009-2011 SUBMITTED BY THE3D RESPONDENT BEFORE THE2D RESPONDENT. EXT.P7 - TRUE COPY OF THE REPORT DATED2909-2011 SUBMITTED BY THE2D RESPONDENT BEFORE THE1T RESPONDENT. EXT.P8 - TRUE COPY OF THE REPORT DATED1410-2011 SUBMITTED BY THE AGRICULTURAL OFFICER BEFORE THE1T RESPONDENT. EXT.P9 - TRUE COPY OF THE REPRESENTATION DATED0209-2013 SUBMITTED BY THE PETITIONER BEFORE THE1T RESPONDENT. RESPONDENT'S EXHIBITS:- NIL. //TRUE COPY// P.S.TO JUDGE. rs. P.R. RAMACHANDRA MENON, J.

..... W.P.(C)No. 24095
OF2013..... Dated this the 3rd October,
2013

JUDGMENT

The petitioner is the owner of the property having an extent of 59.97 Ares of land comprised in Sy.Nio.229/1, 233/3,4, and 5 and 234/2 of Nerukara Village, in respect of which, she is satisfying the basic tax, as borne by Ext.P1 basic tax receipt. The case of the petitioner is that the property is lying as a 'pucca dry land', though it stands described as 'Nilam' in the revenue records. It is stated that there are quite a lot of improvements in the property and that the position is discernible from Ext.P2 photographs as well as Ext.P3 report submitted by the Village Officer (4th respondent) before the second respondent along with Ext.P4 sketch. The learned Counsel for the petitioner also points out that, major portion of the property is not included as paddy land or wet land in the Data Bank Register, as discernible

from Ext.P5 copy of the Data Bank Register and that the property is not a cultivable land. Ext.P6 is the true copy of the report submitted by the third respondent before the second respondent showing the physical nature of the property, whereas Ext.P7 is the report submitted by the second respondent to the first respondent . As per Ext.P8 report, the Agricultural Officer has W.P.(C)No. 24095 OF20132 made it clear, point blank, that the property is not suitable for any cultivation and that the adjoining properties are 'reclaimed lands', with several improvements including buildings and roads. It is stated that the petitioner has already approached the first respondent for considering the claim of the petitioner for making use of the property for other purposes than agricultural purpose, under the Kerala Land Utiliation Order, by filing Ext.P9 representation dated 02.09.2013. The prayer is to cause the same to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well.

3. Considering the limited nature of relief pressed before this Court, it is not necessary to adjudicate the issue on merits. The writ petition is disposed of, directing the first respondent to consider and dispose of Ext.P9 under Clause 6 of the Kerala Land Utilisation Order and in the light of the observations made by a Division Bench of this Court in Praveen vs. Land Revenue Commissioner (2010(2) KLT617, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of the W.P.(C)No. 24095 OF20133 judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for further steps. P.R.RAMACHANDRA MENON JUDGE lk

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