

Basheer, vs District Collector,

Basheer, vs District Collector,

SooperKanoon Citation : sooperkanoon.com/1321483

Court : Kerala

Decided On : Apr-23-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/13595/2024

Appellant : Basheer,

Respondent : District Collector,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 23RD DAY OF APRIL 2024 / 3RD VAISAKHA, 1946
WP(C) NO. 13595 OF 2024 PETITIONER/S: BASHEER, AGED 49
YEARS, AYAMMED HAJI, POLLAPPARAMMAL HOUSE, AVILORA
P.O, KOZHIKODE DISTRICT, PIN - 673572 BY ADVS. K.MOHAMMED
RAFEEQ BIBIN MATHEW P.M.MATHEW AMARNATH R LAL
SANALDEV E.P. VISHNUMAYA ANANDAN SONYMON ANTONY
AJMAL V. KARIM RESPONDENT/S:

1 DISTRICT COLLECTOR, CIVIL STATION, KOZHIKKODE DISTRICT,
PIN - 673020 2 REVENUE DIVISIONAL OFFICER, CIVIL STATION,

KOZHIKKODE DISTRICT, PIN - 673020 3 TAHSILDHAR,
KOZHIKKODE TALUK, KOZHIKKODE DISTRICT, PIN - 673019 4
VILLAGE OFFICER, KASABA VILLAGE, KOZHIKKODE DISTRICT, PIN
- 673004 5 LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENER AGRICULTURAL OFFICER,
PUTHIYARA KRISHIBHAVAN, KOZHIKKODE DISTRICT, PIN - 673004
6 AGRICULTURAL OFFICER, PUTHIYARA KRISHIBHAVAN,
KOZHIKKODE DISTRICT, PIN - 673004

OTHER PRESENT: SMT. DEEPA V GP THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 23.04.2024, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

(Dated this the 23rd day of April, 2024) The petitioner, who is owner of 3 Ares 4 Square Metres of property in Kasaba Village of Kozhikkode Taluk in Kozhikkode District, has filed the writ petition seeking to direct the 2nd respondent-Revenue Divisional Officer to consider Ext.P3 application and to pass orders thereon, within a time frame to be fixed by this Court.

2. The petitioner states that he is owner in possession of 3 Ares 4 Square Metres of land comprised in Survey

No.268/17 of Kasaba Village of Kozhikkode Taluk in Kozhikkode District. The land is garden land. It is not cultivated with paddy. It is not fit for paddy cultivation either. However, the land is described as nanja in Revenue records.

3. The petitioner wants to use the land for other

purposes. Hence, the petitioner filed Ext.P3 application in Form-6 before the Revenue Divisional Officer, invoking the provisions of Rule 12(1) of the Kerala Conservation of Paddy -3- Land and Wetland Rules, 2008. The application was filed on 31.12.2022. The application has not been considered so far. Unless the application is considered expeditiously, the petitioner will be put to untold hardship and loss, contends the petitioner.

4. The Government Pleader representing the

respondents resisted the writ petition. The Government Pleader controverted all material allegations made by the petitioner, in the writ petition. The Government Pleader, however, submitted that since the petitioner has invoked a statutory remedy under the provisions of the Kerala Conservation of Paddy Land and Wetland Rules, 2008, the application submitted by the petitioner can be considered by the competent authority in accordance with law, provided the application is received, is complete in all respects and is supported by all necessary documents.

5. Heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents. -4-

6. The property of the petitioner is said to be a dry land,

but it has been described as nanja in Revenue records. Rule 12(1) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008 provides for making applications for changing the nature of land in Revenue records. The petitioner has invoked the provisions of Rule 12(1) of the Rules, 2008 by filing application in Form-6. It being a statutory application, the Competent Authority is bound to consider the application and pass orders thereon within a reasonable time.

The writ petition is therefore disposed of with a direction to the 2nd respondent-Revenue Divisional Officer to consider and pass orders on Ext.P3 Form-6 application, if the same is received supported by all requisite documents and paying prescribed fee, if any, and to pass orders thereon in accordance with law, within a period of three months.

Sd/- N.NAGARESH JUDGE JS -5- APPENDIX OF WP(C) 13595/2024
PETITIONER EXHIBITS Exhibit-P1 TRUE COPY OF THE LAND TAX RECEIPT
DATED 20.06.2022 ISSUED BY THE FOURTH RESPONDENT. Exhibit-P2 TRUE
COPY OF RELEVANT PAGES OF DATA BANK ISSUED BY THE SIXTH
RESPONDENT. Exhibit-P3 TRUE COPY OF THE APPLICATION DATED
31.12.2022 SUBMITTED BY THE PETITIONER BEFORE THE SECOND

RESPONDENT.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com