

Xavier vs State of Kerala

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Court : Kerala

Decided On : Jan-30-2023

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/2714/2023

Appellant : Xavier

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944
WP(C) NO. 2714 OF 2023 PETITIONERS: 1 XAVIER AGED 73 YEARS
SON OF VAREETHU, AGED 73 YEARS, MANICKATHAN HOUSE, 2
GEYO XAVIER AGED 44 YEARS SON OF XAVIER, AGED 44 YEARS,
MANICKATHAN HOUSE, 3 SIJI AGED 43 YEARS WIFE OF GEYO
XAVIER, AGED 43 YEARS, MANICKATHAN HOUSE, BY ADVS. ANIL
PRASAD SABU P.JOSEPH C.N.SREEKUMAR MANJU PAUL TONY
GEORGE THOMAS ARYA K.K. RESPONDENTS:

1 STATE OF KERALA REP. BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001 2 DISTRICT COLLECTOR-
ERNAKULAM COLLECTORATE, KAKKANAD, ERNAKULAM
DISTRICT, PIN -682030 3 THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER, PATTIMATTOM-
MUVATTUPUZHA ROAD, MUVATTUPUZHA, ERNAKULAM DISTRICT,
PIN - 686673 4 THE TAHASILDAR KUNNATHUNADU TALUK OFFICE,
KUNNATHUNAD, POOPANI ROAD, PERUMBAVOOR, ERNAKULAM
DISTRICT., PIN - 683543

5 THE VILLAGE OFFICER KOOVAPPADY VILLAGE OFFICE,
KOOVAPPADY, ERNAKULAM DISTRICT., PIN - 683544
SMT.PARVATHY.K-GP THIS WRIT PETITION (CIVIL) HAVING COME
UP FOR ADMISSION ON 30.01.2023, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of January, 2023 The 1st petitioner is the owner in possession of 22.76 Ares of land in Survey Nos.120/6-2 and 120/6-1 and petitioners 2 and 3 are the owners in possession of 8.10 Ares of land in Survey No.120/6-3-2 of Koovappady Village in Kunnathunad Taluk of Ernakulam District. It is submitted that the properties had been converted long prior to the promulgation of the Kerala Land Utilization Order on 04.07.1967. The petitioners confines their relief for an expeditious consideration of Exts.P9 and P10 applications in Form No.9 seeking permission for use of land for other purposes.

2. Having heard the learned Government Pleader also and without

expressing any view on the merits of the matter, this writ petition is disposed of directing the 3rd respondent to consider Exts.P9 and P10 applications (Form No.9), after considering all relevant aspects of the matter and after verifying the data bank and obtaining all necessary reports. The entire proceedings shall be completed within a period of three months from the date of receipt of a copy of this

judgment. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE
NP APPENDIX OF WP(C) 2714/2023 PETITIONERS EXHIBITS Exhibit P1 TRUE
COPY OF THE BASIC TAX RECEIPT PAID UNDER

THANDAPPER ACCOUNT NO. 5193 BEARING RECEIPT
NO.KL07051911381/2021 DATED 25-11-2021 ISSUED FROM VILLAGE OFFICE,
KOOVAPPADY Exhibit P2 TRUE COPY OF THE BASIC TAX RECEIPT PAID
UNDER THANDAPPER ACCOUNT NO. 11621 BEARING RECEIPT
NO.KL07051907243/2022 DATED 28-05-2022 ISSUED FROM VILLAGE OFFICE,
KOOVAPPADY

Exhibit P3 TRUE COPY OF THE RELEVANT PAGES OF BASIC TAX REGISTER
OF THE LAND HAVING AN EXTENT OF 68.30 ARES IN RE-SURVEY NO. 120/6
(OLD SURVEY NO.277/7-2) Exhibit P4 TRUE COPY OF THE RELEVANT
PAGES OF BASIC TAX REGISTER OF THE LAND HAVING AN EXTENT OF
8.10 ARES IN RE-SURVEY NO. 120/6-3-2 Exhibit P5 TRUE COPY OF THE
RELEVANT PAGES OF SETTLEMENT REGISTER OF THE PROPERTIES
COMPRISED IN SURVEY NO. 277 OF KUNNATHUNADU TALUK OF
TRAVANCORE STATE Exhibit P6 TRUE COPY OF THE RELEVANT PAGES OF
THE DATA BANK ISSUED FROM AGRICULTURAL OFFICER, OKKAL Exhibit P7
TRUE COPY OF THE REPRESENTATION DATED 22-12- 2022 SUBMITTED BY
THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT Exhibit P8 TRUE
COPY OF THE ACKNOWLEDGEMENT RECEIPT NO. OFFICE OF REVENUE
DIVISIONAL OFFICER, MUVATTUPZUHA Exhibit P9 TRUE COPY OF THE
ONLINE APPLICATION SUBMITTED BY THE 1ST PETITIONER IN FORM NO.9
DATED 23- 12-2022 Exhibit P10 TRUE COPY OF THE ONLINE APPLICATION
SUBMITTED BY THE PETITIONERS 2 AND 3 IN FORM NO.9 DATED 23-12-
2022 RESPONDENTS EXHIBITS: NIL

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