

Basheer M.M. vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/3209/2023

Appellant : Basheer M.M.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944
PETITIONER :- BASHEER M.M., AGED 58 YEARS S/O.MUHAMMED,
AMBADAN HOUSE, PERUMBAVOOR P.O., PERUMPAVOOR,
ERNAKULAM, PIN - 683 542 BY ADVS. K.C.VINCENT T.N.ARJUN
RESPONDENTS :-

1 STATE OF KERALA REPRESENTED BY THE SECRETARY
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001 2 THE REVENUE
DIVISIONAL OFFICER OFFICE OF THE REVENUE DIVISIONAL

OFFICER, MUVATTUPUZHA, PIN - 686 669 3 THE TAHSILDAR (LAND RECORDS) KUNNATHUNADU TALUK, PERUMBAVOOR P.O., 4 THE VILLAGE OFFICER PERUMBAVOOR, PERUMBAVOOR P.O, 5 THE STATION HOUSE OFFICER POLICE STATION, PERUMBAVOOR, PERUMBAVOOR P.O, BY SRI.JOSHY THANNICKAMATTOM, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -: 2 :-

JUDGMENT

Dated this the 31st day of January, 2023 The petitioner is the owner in possession of 35.35 Ares of land in Re-survey Nos.26, 26/2, 27/2 and 27/3 of Perumbavoor

Village in Kunnathunadu Taluk of Ernakulam District. It is submitted that the property of the petitioner is purayidom and the same is not suitable for paddy cultivation and is not included in the data bank. The petitioner confines his relief for an expeditious consideration of Ext.P5 application in Form No.7 under the provisions of the Kerala Conservation of Paddy land and Wetland Act, 2008, seeking permission for use of land for other purposes.

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 2 nd respondent to take up the application, consider and pass orders on the same, after considering all relevant aspects of the matter and after verifying the data bank and obtaining all necessary inputs including the report of the Village Officer. The entire -: 3 :- proceedings shall be completed within a period of three months from the date of receipt of a copy of this judgment. The issuance of Ext.P4 will not stand in the way of consideration of the application submitted by the petitioner.

Sd/- ANU SIVARAMAN JUDGE Jvt/3.2.2022 -: 4 :- APPENDIX OF WP(C) 3209/2023 PETITIONER EXHIBITS Exhibit P1 . A TRUE COPY OF THE TAX RECEIPT DATED 16.11.2022 Exhibit P2 A TRUE COPY OF THE SALE DEED NO. 2593 OF 2017 OF S.R.O. PERUMBAVOOR Exhibit P3 A TRUE COPY OF

THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 27.07.2022 Exhibit P4 A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT DATED 04.01.2023 Exhibit P5 A TRUE COPY OF THE APPLICATION IN FORM 7 SUBMITTED ONLINE DATED 17.01.2023

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