

Joseph vs District Collector

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Court : Kerala

Decided On : Apr-28-2023

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : WP(C)/14838/2023

Appellant : Joseph

Respondent : District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 WP(C) NO. 14838 OF 2023 PETITIONER/S: JOSEPH AGED 58 YEARS S/O DEVASSY, RESIDING AT THEKKEKARA HOUSE VAYALAKKAD, UNION CHRISTIAN COLLEGE P.O. ALUVA, ERNAKULAM DISTRICT, PIN - 683102 BY ADVS. DHEERAJ KRISHNAN PEROT K.L ANGEL MARY FIDHA NAVAS RESPONDENT/S: 1 DISTRICT COLLECTOR CIVIL STATION, KAKANAD, KOCHI, PIN - 682030 2 THE REVENUE DIVISIONAL OFFICER RDO OFFICE, FIRST FLOOR, JACOB RD, FORT KOCHI, KOCHI, PIN - 682001 3 THE TAHASILDAR (LAND RECORDS)

KANAYANNUR TALUK OFFICE, NEAR SUBHASH PARK, MARINE DRIVE, KOCHI, PIN - 682011 4 THE VILLAGE OFFICER VILLAGE OFFICE, GANDHINAGAR ROAD, KADAVANTHARA, ELAMKULAM, PIN - 682020 BY ADV GOVERNMENT PLEADER OTHER PRESENT: GP- SRI. K.M FAIZAL THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 14838 OF 2023 ..2..

JUDGMENT

The petitioner obtained 0.61 Ares of land comprising in Sy.Nos.606/1, 606/2 of Elamkulam Village, Kanayannur Taluk. The petitioner confines his prayer for an expeditious consideration of Ext.P4 application in Form No.5 under the proviso to Rule 4(d) of the Kerala Conservation of Paddy land and Wetland Rules, 2008, seeking to convert the nature of the petitioners property in the revenue records. According to the petitioner, the said land was converted to dry land about 30 years back and the surrounding lands are also dry lands with commercial and residential buildings.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. In the facts and circumstances of the case and

having regard to the submissions made across the Bar and without expressing any view on the merits of the matter, this writ petition is disposed of directing the RDO/2nd respondent WP(C) NO. 14838 OF 2023 ..3.. to consider Ext.P4 application (Form No.5), after obtaining all necessary inputs including the report of the Agricultural Officer and to pass appropriate orders thereon. The entire proceedings shall be completed within a period of four months from the date of receipt of a copy of this judgment. This writ petition is ordered accordingly. Sd/- MURALI PURUSHOTHAMAN JUDGE SB WP(C) NO. 14838 OF 2023 ..4.. APPENDIX OF WP(C) 14838/2023 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE COURT ORDER DATED JUDGE ERNAKULAM Exhibit P2 TRUE COPY OF THE LAND TAX RECEIPT DATED 13.04.2023 WITH THE

THANDAPER NO: 37971 MARKING PETITIONER'S LAND AS 'NILAM' Exhibit P3
TRUE COPY OF THE LAND IDENTIFICATION DETAILS PREPARED BY KRISHI
BHAVAN DATED NIL Exhibit P4 TRUE COPY OF THE APPLICATION DATED
Exhibit P5 TRUE COPY OF THE JUDGMENT IN WPC 12485 OF 2023 DATED
5.4.2023

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