

Jayaraj vs the District Collector

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Court : Kerala

Decided On : Jun-01-2023

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/17182/2023

Appellant : Jayaraj

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945
WP(C) NO. 17182 OF 2023 PETITIONER: JAYARAJ AGED 59 YEARS,
S/O. VASU, KAYYADATHAZHAM, CHEVARAMBALAM, KOZHIKODE,
PIN - 673017 BY ADVS. MUHASIN K.M. SHAKTHI PRAKASH
SUKANYA S. RESPONDENTS:

1 THE DISTRICT COLLECTOR CIVIL STATION, WAYANAD ROAD,
ERANHIPPALAM, KOZHIKODE, PIN - 673020 2 THE REVENUE
DIVISIONAL OFFICER KOZHIKODE REVENUE DIVISIONAL OFFICE,
CIVIL STATION, WAYANAD ROAD, ERANHIPPALAM, KOZHIKODE,

PIN - 673020 3 THE TAHSILDAR KOZHIKODE TALUK OFFICE, CIVIL STATION, WAYANAD ROAD, ERANHIPPALAM, KOZHIKODE, PIN - 673020 4 THE VILLAGE OFFICER NELLIKODE VILLAGE OFFICE, NEAR SUB REGISTRAR OFFICE, CHEVAYUR P.O., KOZHIKODE, PIN - 673016

BY ADV DEVASREE R, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 1st day of June, 2023 The petitioner, who is owner of 3 Ares and 43.99 Square Metres of property in Block No.1 of Nellikode Village of Kozhikode Taluk in Kozhikode 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 and 43.99 Square Metres of land comprised in Survey No.9/33 of Block No.1 of Nellikode Village of Kozhikode Taluk in Kozhikode District, out of which 3.29 Ares of 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 Land and Wetland Rules, 2008. The application was filed on 01.04.2023. 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.

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 ded APPENDIX OF WP(C) 17182/2023 PETITIONER
EXHIBITS Exhibit P1 TRUE COPY OF THE TAX RECEIPT DATED 27.10.2022
Exhibit P2 TRUE COPY OF THE RELEVANT PAGE OF DRAFT DATA BANK
Exhibit P3 TRUE COPY OF THE APPLICATION IN FORM 6 DATED 01.04.2023
SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ALONG
WITH SURVEY SKETCH Exhibit P4 TRUE COPY OF THE RECEIPT
EVIDENCING THE PAYMENT OF STATUTORY FEE DATED 01.04.2023

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