

Vijayakumar M U vs the District Collector

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Court : Kerala

Decided On : Jul-04-2023

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/21460/2023

Appellant : Vijayakumar M U

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 4TH DAY OF JULY 2023 / 13TH ASHADHA, 1945
WP(C) NO. 21460 OF 2023 PETITIONERS: 1 VIJAYAKUMAR M.U.,
AGED 48 YEARS, S/O. MANIYAN, NANDANAM VEETTIL,
VADAKKUMTHALA, KOLLAM, PIN - 690536 2 AMBILY M.
VIJAYAKUMAR, AGED 46 YEARS, W/O. VIJAYAKUMAR, NANDANAM
VEETTIL, VADAKKUMTHALA, KOLLAM, PIN - 690536 BY ADVS.
SHAKTHI PRAKASH MUHASIN K.M. SUKANYA S. RESPONDENTS:

1 THE DISTRICT COLLECTOR, KOTTAYAM COLLECTORATE,
KOTTAYAM - KUMILY ROAD, KOTTAYAM, PIN - 686002 2 THE

REVENUE DIVISIONAL OFFICER, PALA REVENUE DIVISIONAL OFFICE, MINI CIVIL STATION, PALA BYEPASS ROAD, PALA, KOTTAYAM, PIN - 686575 3 THE TAHSILDAR, VAIKOM TALUK OFFICE, 1ST FLOOR, MINI CIVIL STATION, W GATE ROAD, VAIKOM, KOTTAYAM, PIN - 686141 4 THE VILLAGE OFFICER, KADUTHURUTHY VILLAGE OFFICE, KADUTHURUTHY P.O, KOTTAYAM, PIN - 686604

BY SMT.AMMINIKUTTY - SENIOR GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2 :

JUDGMENT

----- Dated this the 4th day of July, 2023 The petitioners, who are owners of 6.07 Ares of land in Block No.28 of Kaduthuruthy Village of Vaikom Taluk in Kottayam District, have filed this writ petition seeking to direct the 2nd respondent to consider Ext.P3 application and to pass orders thereon, within a time frame to be fixed by this Court.

2. The petitioners state that they are the owners of

6.07 Ares of land comprised in Survey No.497/9 of Block No.28 of Kaduthuruthy Village of Vaikom Taluk in Kottayam District. The land is a garden land. It is not cultivated with paddy. It is not fit for paddy cultivation either. However, the land is described as 'Nilam' in Revenue records.

3. The petitioners want to use the land for other

purposes. Hence, the petitioners 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 27.05.2023. The application has not been considered so far. Unless the application is considered expeditiously, the petitioners will be put to untold hardship and loss, contend the petitioners.

4. The Senior Government Pleader representing the

respondents resisted the writ petition. The Senior Government Pleader controverted all material allegations made by the petitioners, in the writ petition. The Senior Government Pleader, however, submitted that since the petitioners have invoked a statutory remedy under the provisions of the Kerala Conservation of Paddy Land and Wetland Rules, 2008, the application submitted by the petitioners 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 petitioners and the learned Senior Government Pleader representing the respondents. :4 :

6. The property of the petitioners is said to be a dry

land, but it has been described as 'Nilam', 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 petitioners have invoked 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 sss :5 : APPENDIX OF WP(C) 21460/2023 PETITIONER'S EXHIBITS EXHIBIT P1 TRUE COPY OF THE TAX RECEIPT DATED 15.01.2021. EXHIBIT P2 TRUE COPY OF THE ORDER DATED 03.10.2022 ISSUED BY THE REVENUE DIVISIONAL OFFICER, PALA. EXHIBIT P3 TRUE COPY OF THE APPLICATION IN FORM 6 DATED 27.05.2023 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT. EXHIBIT P4 TRUE COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF STATUTORY FEE DATED 27.05.2023.