

Thomas Isaac vs State of Kerala

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Court : Kerala

Decided On : Oct-12-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/33313/2023

Appellant : Thomas Isaac

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 12TH DAY OF OCTOBER 2023 / 20TH ASWINA, 1945 PETITIONER : THOMAS ISAAC, AGED 61 YEARS, S/O. LATE JUSTICE M.U. ISAAC MADATHIMYALIL HOUSE, BY ADVS. AIBEL MATHEW SIBY ABRAHAM JOSEPH MARKOS JOHN VITHAYATHIL ALEXANDER JOSEPH MARKOS P.G.CHANDAPILLAI ABRAHAM RESPONDENTS : 1 STATE OF KERALA, DEPARTMENT OF AGRICULTURE DEVELOPMENT AND FARMERS' WELFARE VIKAS BHAVAN THIRUVANANTHAPURAM - REPRESENTED BY SECRETARY, PIN - 695 033 2 THE REVENUE DIVISIONAL OFFICER - FORT KOCHI AND SUB COLLECTOR, ERNAKULAM 1ST FLOOR

BASTION BUNGALOW, K.B. JACOB ROAD, FORT KOCHI, COCHIN,
PIN - 682 001

3 THE VILLAGE OFFICER, POONITHURA VILLAGE, SAHODARAN
AYYAPPAN ROAD, VYTTILA P.O, PIN - 682 019 BY SMT.N.DEEPA.,
SENIOR GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 12.10.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

W.P.(C) No.33313 of 2023 Dated this the 12th day of October, 2023

JUDGMENT

Petitioner is the owner of 3.74 Ares of land in Survey Nos.162/2-4, District. Petitioner alleges that he had filed an application in Form 6 under Rule 12(1) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008 (for short the Rules). Copy of the application submitted by the petitioner is produced as Ext.P4.

2. According to him, the property is not a paddy land, but it has

been wrongly described as paddy land in the revenue records, which requires variation. For changing the nature of land in the revenue records, he filed the application on 23.02.2023. However, it is alleged that a decision has not been taken on the said application till date.

3. Form 6 application filed by the petitioner is a statutory

application as per Rule 12(1) of the Rules. The competent authority, therefore, has a legal duty to consider the said application in accordance with law within a reasonable time, provided it has been submitted along with all supporting documents and the prescribed fee.

4. Having heard Sri.Aibel Mathew Siby, learned counsel for the

petitioner and Smt.Deepa N., learned Senior Government Pleader, I am of the view that this writ petition can be disposed of with a direction to take a decision on Ext.P4 application in a time bound manner.

5. Accordingly, there will be a direction to the 2 nd respondent to

decide on Ext. P4 within a period of four months from the date of receipt of a copy of this judgment. The timeline stipulated above shall be strictly complied with by the respondent concerned. The writ petition is disposed of accordingly. Sd/-
BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF WP(C) 33313/2023
PETITIONER'S EXHIBITS : Exhibit P1 TRUE COPY OF THE JUDGMENT DATED 29.06.2021 OF HIGH COURT OF KERALA IN W.P.(C) NO. Exhibit P2 TRUE COPY OF THE COMMON JUDGMENT OF HIGH COURT OF KERALA DATED 10.12.2021 IN COC(C) 1764 OF 2021 Exhibit P3 TRUE COPY OF THE ORDER ON THE FORM 5 APPLICATION DATED 06.12.2021 Exhibit P4 TRUE COPY OF THE FORM 6 APPLICATION DATED 23.02.2023, ALONG WITH ANNEXURES Exhibit P5 TRUE COPY OF THE FILE MOVEMENT HISTORY PERTAINING TO THE PETITIONER'S APPLICATION AS OBTAINED FROM WWW.REVENUE.KERALA.GOV.IN

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