

Thahar vs State of Kerala

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Court : Kerala

Decided On : Dec-22-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : WP(C)/43985/2023

Appellant : Thahar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 22ND DAY OF DECEMBER 2023 / 1ST POUSHA, 1945
WP(C) NO. 43985 OF 2023 PETITIONER: THAHAR, AGED 61 YEARS
SON OF SAINUDHEEN HAJI, RESIDING AT KARAPPAMVEETIL
HOUSE, CHETTUVA P.O., KUDALIYAR, THRISSUR DISTRICT,
THRISSUR, PIN - 680616 BY ADV B.SAJEEV KUMAR
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY
SECRETARY, DEPARTMENT OF REVENUE, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, THIRUVANANTHAPURAM, PIN
- 695001 2 THE REVENUE DIVISIONAL OFFICER REVENUE
DIVISIONAL OFFICE, CIVIL STATION, CIVIL LINES ROAD, THRISSUR
DISTRICT, THRISSUR, PIN - 682001

3 THE TAHSILDAR CHAVAKKAD TALUK OFFICE, THRISSUR, THRISSUR DISTRICT., PIN - 680003 OTHER PRESENT: GP - RIYAL DEVASSY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) No.43985 of 2023 2

VIJU ABRAHAM, J.

W.P (C) No.43985 of 2023 Dated this the 22nd day of December, 2023

JUDGMENT

Petitioner has approached this Court seeking a direction to the 2nd respondent to consider and pass orders on Ext.P2 application in Form 7 for changing the user of property for non agricultural purposes. He is the absolute owner and in possession of 51.60 Ares of land comprised in survey nos.83/ID-IT, 84/5B-2, 84/6, 84/7-IT and 85/1-2 of Engandiyoor Village in Chavakkad Taluk, Thrissur. Petitioner has also submitted Ext.P3 application seeking to give some priority as the petitioner required to sell the property in connection with the marriage of his daughter. As per the options available in the priority conditions in the portal, urgency in connection with marriage is to be given priority. Petitioner submits that all formalities regarding consideration of application in Form 7 is complete.

2. Heard the learned Government Pleader also.

In view of the facts and circumstances of the case, the above writ petition is disposed of with a direction to the 2nd respondent to consider and pass orders on Ext.P2 application in Form 7 at the earliest, at any rate, within a period of one month from the date of receipt of a copy of the judgment if all the reports necessary for consideration of a Form 7 application have been duly received by the 2nd respondent and an WP(C) No.43985 of 2023 3 affidavit has been filed by the petitioner in view of the fact that the total extent of land is 51.60 Ares and the conversion is sought as per Ext.P2 is in respect of only an extent of 39.91 Ares. With the abovesaid direction, the writ petition is disposed of. Sd/- VIJU ABRAHAM JUDGE cks WP(C) No.43985 of 2023 4 APPENDIX OF WP(C) 43985/2023

PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE LATEST LAND TAX RECEIPT DATED 07/07/2023 EVIDENCING PAYMENT OF TAX ISSUED BY VILLAGE OFFICER, ENGANDIYOOR VILLAGE Exhibit P2 TRUE COPY OF THE SAID FORM 7 APPLICATION DATED 16/09/2023 Exhibit P3 TRUE COPY OF THE SAID REQUEST DATED BEFORE THE 2ND RESPONDENT

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