

Michale Xavier, vs the District Collector,

Michale Xavier, vs the District Collector,

SooperKanoon Citation : sooperkanoon.com/1440410

Court : Kerala

Decided On : Mar-07-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/323/2022

Appellant : Michale Xavier,

Respondent : The District Collector,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
MONDAY, THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943
PETITIONER: MICHALE XAVIER, AGED 52 YEARS S/O. XAVIER
IMMOYIN, IMMOYIN HOUSE, VARAKKARA P.O., THRISSUR-680302.
BY ADVS. N.KRISHNA RAJA MAULI RENI JAMES RESPONDENTS: 1
THE DISTRICT COLLECTOR, FIRST FLOOR, CIVIL STATION,
AYYANTHOLE, THRISSUR-680003. 2 THE REVENUE DIVISIONAL
OFFICER, REVENUE DIVISIONAL OFFICE, CIVIL STATION ANNEXE,
IRINJALAKUDA-680125. 3 THE TAHSILDAR, CHALAKKUDY TALUK
OFFICE, THIRD FLOOR, MUNICIPAL TOWN HALL COMPLEX,
CHALAKUDY, THRISSUR-680307. 4 THE VILLAGE OFFICER,

VARANDARAPPILLY VILLAGE OFFICE, VARANDARAPPILLY, THRISSUR-680303. 5 THE AGRICULTURAL OFFICER, VARANDARAPPILLY KRISHI BHAVAN, P.O. NANDIPULAM, THRISSUR-680312. PRINCY XAVIER-SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is the owner in possession of 5.08 Ares of land in Survey No.262/1 of Varantharappilly Village in Chalakkudy Taluk of Thrissur District. It is submitted that the property of the petitioner is lying as garden land and the same is not suitable for paddy cultivation and is not included in the data bank. The petitioner confines his relief for an expeditious consideration of Ext.P3 application in Form No.6 under Section 27A of the Kerala Conservation of Paddy land and Wetland Act, 2008, seeking permission for use of land for other purposes.

2. Having heard the learned Government Pleader also and

without expressing any view on the merits of the matter, this writ petition is disposed of directing the 2nd respondent to take up the application, consider and pass orders on the same, after considering all relevant aspects of the matter and after verifying the data bank and after verifying the nature and extent of the property and obtaining all necessary inputs including the report of the Village Officer. The entire proceedings shall be completed within a period of three months from the date of receipt of a copy of this judgment. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE SVP APPENDIX OF WP(C) 323/2022 PETITIONER EXHIBITS Exhibit P3 TRUE COPY OF THE APPLICATION UNDER FORM 6 BEFORE THE 2ND RESPONDENT DATED 09-02-2021 Exhibit P4 TRUE COPY OF THE CHALLAN EVIDENCING PAYMENT OF STATUTORY FEE DATED 19-01-2021 Exhibit P5(1) TRUE COPY OF THE LETTER BEARING NO. B5/2134/2021/ENDT. SENT BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT DATED 09- Exhibit P5(2) TRUE COPY OF THE LETTER BEARING NO. B5/2134/2021 /ENDT SENT BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT DATED 09- Exhibit P6 TRUE

COPY OF THE REPORT ISSUED BY THE 4TH RESPONDENT DATED 13-07-2021 Exhibit P1 TRUE COPY OF THE TAX RECEIPT DATED 17.12.2020. Exhibit P2 TRUE COPY OF THE EXTRACT OF THE PUBLISHED DATA BANK.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com