

Azeemudhin vs State of Kerala

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Court : Kerala

Decided On : Jan-27-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/758/2022

Appellant : Azeemudhin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
THURSDAY, THE 27TH DAY OF JANUARY 2022 / 7TH MAGHA, 1943
WP(C) NO. 758 OF 2022 PETITIONER: AZEEMUDHIN AGED 67
YEARS S/O. KUNJUMOIDEEN, KONAKKATT PARAMBIL, 'LAKE
AVENUE', MANNAM P. O., NORTH PARAVUR, KOTTUVALLY
VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT, PINCODE - 683
520. BY ADVS. ANOOP.V.NAIR RAMESH CHAND DEVI P.
A.K.ANANDA KRISHNAN RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT
OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

2 THE DISTRICT COLLECTOR COLLECTORATE, ALAPPUZHA - 688001. 3 THE REVENUE DIVISIONAL OFFICER REVENUE DIVISIONAL OFFICE, ALAPPUZHA DISTRICT - 688 001. 4 THE THASILDAR CHERTHALA TALUK, TALUK OFFICE, AROOKUTTY, ALAPPUZHA DISTRICT - 688 535. 5 THE VILLAGE OFFICER AROOKUTTY VILLAGE, CHERTHALA TALUK, ALAPPUZHA DISTRICT - 688 535. WP(C) NO. 758 OF 2022 2 OTHER PRESENT: VINITHA B-SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 758 OF 2022 3

JUDGMENT

This writ petition is filed seeking directions to the 3 rd respondent to consider and dispose of Exhibit P7 and Exhibit P4 applications within a time limit based on Exhibit P6 judgment.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel appearing for the

petitioner that, the petitioner, who is the owner in possession of 45.91 Ares of land in Re.Sy Nos.92/11, 92/12 in Block No.5 of Arookutty Village, Cherthala Taluk, Alappuzha District has filed an application under Section 27A of the Kerala Conservation of Paddy land and Wetland Act, 2008 in respect of the property. Ext.P6

judgment has been rendered by this court directing the consideration

of the said application. It is submitted that the said application has not been considered and orders passed till date. The learned counsel for the petitioner also relies on Ext.P1 report to contend that the competent reports are also available for consideration and that the said report is to be considered while considering the

applications. WP(C) NO. 758 OF 2022 4

4. The learned Government Pleader submits that there were

some errors in the reports and that the reports had been resubmitted for correction. It is submitted that the corrected reports have been directed to be placed before the RDO and that the application will be considered without delay. Having considered the contentions advanced on either side, there will be a direction to the 3rd respondent to take up Ext.P7 application submitted by the petitioner and consider and pass orders on the same after obtaining and considering all due reports. Necessary orders shall be issued after considering all relevant aspects of the matter, within a period of two months from the date of receipt of a copy of this judgment. This writ petition is disposed of accordingly. Sd/- ANU SIVARAMAN JUDGE ska WP(C) NO. 758 OF 2022 5 APPENDIX OF WP(C) 758/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE REPORT ALONG WITH THE RELEVANT PAGE OF BASIC TAX REGISTER ISSUED BY THE 4TH RESPONDENT DATED 20.11.2017. Exhibit P2 TRUE COPY OF THE REPORT ALONG WITH THE SKETCH SUBMITTED BY THE 5TH RESPONDENT BEFORE THE 2ND RESPONDENT'S OFFICE DATED 18.05.2019. Exhibit P3 TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT'S OFFICE TO THE PETITIONER DATED 01.08.2018. Exhibit P4 TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT TO GET AN

ORDER TO UTILIZE THE LAND FOR OTHER PURPOSES.

Exhibit P5 TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT OFFICE TO THE PETITIONER DATED 26.02.2018. Exhibit P6 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) 15791 OF 2019 DATED 11.07.2019. Exhibit P7 TRUE COPY OF THE APPLICATION DATED 03.12.2021 PREFERRED BY THE PETITIONER TO THE 3RD RESPONDENT.

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