

**Narayanankutty, vs the District Collector,**

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**SooperKanoon Citation : [sooperkanoon.com/1450331](https://sooperkanoon.com/1450331)**

**Court : Kerala**

**Decided On : May-31-2022**

**Judge : Honourable Mr.Justice N.Nagaresh**

**Appeal No. : WP(C)/4615/2022**

**Appellant : Narayanankutty,**

**Respondent : The District Collector,**

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH  
TUESDAY, THE 31ST DAY OF MAY 2022 / 10TH JYAISHTA, 1944  
WP(C) NO. 4615 OF 2022 PETITIONER: NARAYANANKUTTY, AGED  
80 YEARS, S/O. PATHMAVATHY AMMA, KIZHEKKEPARAMBU,  
CHEVAYUR P.O., KOZHIKODE 673 017. BY ADVS. N.KRISHNA RAJA  
MAULI RENI JAMES BINIYAMIN K.S. RESPONDENTS:

1 THE DISTRICT COLLECTOR, KOZHIKODE COLLECTORATE,  
WAYANAD ROAD, CIVIL STATION, ERANHIPPALAM, KOZHIKODE-  
673 020. 2 THE REVENUE DIVISIONAL OFFICER, REVENUE  
DIVISIONAL OFFICE, CIVIL STATION JUMA MASJID, SH 29

ERANHIPPALAM, KOZHIKODE-673 020. 3 THE TAHSILDAR, KOZHIKODE TALUK OFFICE, WAYANAD ROAD, CIVIL STATION, ERANHIPPALAM, KOZHIKODE 673 020. 4 THE VILLAGE OFFICER, CHEVAYUR VILLAGE OFFICE, NGO QUARTERS, CHEVAYUR, KOZHIKODE-673 012. 5 THE AGRICULTURAL OFFICER, PUTHIYARA KRISHI BHAVAN, PUTHIYARA, AGRICULTURAL COMPLEX, KOZHIKODE 673 004. SMT.SURYA BINOY, SR.GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

31.05.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

Dated this the 31st day of May, 2022 The petitioner, who is holding 10 Ares and 55.22 Square metres of land comprised in Survey No.210/56 of Chevayur Village in Kozhikode Taluk, is before this Court seeking to direct the 2nd respondent to consider and pass orders on Ext.P3 application, within a time frame fixed by this Court.

2. The petitioner holds 10 Ares and 52.22 Square

metres of land in Survey No.210/56 of Chevayur Village in Kozhikode Taluk. The land is described as Nilam' in Revenue records. According to the petitioner, the land is not included in the Data Bank as Paddy Land. Continuance of the description of land as 'Nilam' in the Basic Tax Register causes hardship to the petitioner.

3. The petitioner, therefore, filed Ext.P3 application

in Form 6, invoking Rule 12(1) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008. The application was submitted as early on 06.12.2021. The delay in passing orders on Ext.P3 application is causing untold hardship and loss to the petitioner, contends the learned counsel for the petitioner.

4. The learned Government Pleader entered

appearance and resisted the writ petition. The learned Government Pleader pointed out that out of 10 Ares and 52.22 Square metres of land, the petitioner has submitted application only for making necessary changes in respect of 8.17 Ares. The learned counsel for the petitioner would submit that the claim has been limited to 8.76 Ares since the petitioner cannot afford to pay exorbitant fee.

5. Heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

6. The petitioner undoubtedly is holding 10 Ares

and 52.22 Square metres of land in Chevayur Village. The land is not included in the Land Data Bank. However, it is described as Paddy Land in Basic Tax Register. In order to effect necessary changes in the Basic Tax Register, the petitioner has filed Ext.P3 application invoking Rule 12(1) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008. Ext.P3 being a statutory application, the 2 nd respondent, who is the competent authority under the Act, 2008, is duty bound to consider the application, within a reasonable time and pass orders thereon. In the circumstances, the writ petition is disposed of directing the 2nd respondent to consider Ext.P3 application, if it is received supported by all relevant

documents and paying the prescribed fee, if any, and take a decision thereon, within a period of three months. Sd/- N. NAGARESH JUDGE SR

APPENDIX OF WP(C) 4615/2022 PETITIONER'S EXHIBITS: Exhibit P1 THE COPY OF THE TAX RECEIPT DATED 10.03.2021. Exhibit P2 THE COPY OF THE EXTRACT OF THE DRAFT DATA BANK. Exhibit P3 THE COPY OF THE APPLICATION UNDER FORM 6 ALONG WITH SURVEY SKETCH BEFORE THE 2ND RESPONDENT DATED

06.12.2021. Exhibit P4 THE COPY OF THE CHALLAN EVIDENCING PAYMENT OF STATUTORY FEE DATED 12.04.2021. Exhibit P5 THE COPY OF THE PROOF EVIDENCING THE RECEIPT.

SR

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