

Sunil Kumar vs the District Collector

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Court : Kerala

Decided On : Jul-01-2022

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/24884/2020

Appellant : Sunil Kumar

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 1ST DAY OF JULY 2022 / 10TH ASHADHA, 1944
PETITIONER: SUNIL KUMAR, AGED 49 YEARS, S/O.SHANMUGHAN,
THANDYEKAL HOUSE, INJAMUDI P.O., THRISSUR DISTRICT-680
504. BY ADVS.V.A.VINOD SMT.M.S.SHAMLA RESPONDENTS: 1 THE
DISTRICT COLLECTOR, 2 REVENUE DIVISIONAL OFFICER, 3
REVENUE DIVISIONAL OFFICER, CIVIL STATION ANNEXE,
IRINJALAKUDA, THRISSUR-680 125. 4 THE TAHSILDAR,
MUKUNDAPURAM TALUK OFFICE, MUKUNDAPURAM, THRISSUR-
680 125. 5 THE VILLAGE OFFICER, KARALAM VILLAGE OFFICE,
KARALAM, THRISSUR DISTRICT-680 711. 6 THE LOCAL LEVEL

MONITORING COMMITTEE, KARALAM GRAMA PANCHAYATH, REPRESENTED BY ITS CONVENER (THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KARALAM, THRISSUR DISTRICT-680 711). 7 KARALAM GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, KARALAM, THRISSUR-680 711. R1-R6 SMT. DEEPA NARAYANAN, SENIOR GOVERNMENT PLEADER R7 ADVS.V.M. KRISHNAKUMAR P.R. REENA THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

P.V. KUNHIKRISHNAN, J.

W.P. (C) No.24884 of 2020 Dated this the 1st day of July, 2022

JUDGMENT

The above writ petition is filed with the following prayers:-

a) Issue a writ of certiorari calling for the records leading to Ext.P7 and quash the original of the same. b) Issue a writ of mandamus or any appropriate writ order or direction, directing the 3rd respondent to consider and pass orders on Ext.P4 application afresh, strictly in accordance with the provisions of Kerala Land Utilisation Order, 1967. c) grant such other reliefs prayed for from time to time including cost of these proceedings.

2. The main challenge is against Ext.P7 order passed by

the Revenue Divisional Officer. Admittedly, Ext.P7 order is an appealable order as per Clause 11 of the Kerala Land Utilisation order. If that is the case, the petitioner is free to file an appeal against Ext.P7 order so that this Court can direct the appellate authority to consider the appeal within a time frame. Since the petitioner has already approached this Court, the -3- appellate authority will consider the

appeal, if the same is filed within the time prescribed by this Court, without insisting about the limitation period. Therefore, this writ petition is disposed of with the following directions:- i) The petitioner is free to file an appeal against Ext.P7

order within three weeks from the date of receipt of a

copy of this judgment as per Clause 11 of the Kerala Land Utilisation Order. ii) Once such an appeal is received by the appellate authority, the appellate authority will consider and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within three months from the date of receipt of the appeal.

Sd/- P.V.KUNHIKRISHNAN JUDGE bpr -4- APPENDIX PETITIONER'S EXHIBITS
EXHIBIT P1 TRUE COPY OF THE LAND TAX RECEIPT DATED 13.03.2017.
EXHIBIT P2 TRUE COPY OF THE RECEIPT EVIDENCING EXHIBIT P2 A TRUE
COPY OF THE RECEIPT EVIDENCING EXHIBIT P2 B TRUE COPY OF THE
RECEIPT EVIDENCING EXHIBIT P3 TRUE COPY OF THE RELEVANT PAGES
OF DATA BANK. EXHIBIT P4 TRUE COPY OF THE APPLICATION SUBMITTED
BEFORE THE 2ND RESPONDENT DATED 07.09.2017. EXHIBIT P5 TRUE
COPY OF THE JUDGMENT IN W.P.(C) NO. EXHIBIT P6 TRUE COPY OF THE
CERTIFICATE ISSUED BY THE 6TH RESPONDENT DATED 12.02.2018. EXHIBIT
P7 TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED
21.04.2018.

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