

Abdul Rab V vs State of Kerala

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Court : Kerala

Decided On : Nov-29-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/37196/2022

Appellant : Abdul Rab V

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 29TH DAY OF NOVEMBER 2022 / 8TH
AGRAHAYANA, 1944 WP(C) NO. 37196 OF 2022 PETITIONER:
ABDUL RAB V AGED 46 YEARS S/O.CHEKKU, VATTEKKATTU
HOUSE, POOKKARTHARA, KOLALAMBU.P.O., MALAPPURAM
DISTRICT - 679576. BY ADV. AVANEESH KOYIKKARA
RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY ITS
SECRETARY, REVENUE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 DISTRICT
COLLECTOR, THRISSUR, FIRST FLOOR, CIVIL STATION, CIVIL LINE
RD, KALYAN NAGAR, AYYANTHOLE, THRISSUR-680003. 3

REVENUE DIVISIONAL OFFICER, THRISSUR, FIRST FLOOR, CIVIL STATION, CIVIL LINE RD, KALYAN NAGAR, AYYANTHOLE, THRISSUR-680003. 4 TAHSILDAR (LAND RECORDS), TALUK OFFICE, KUNNAMKULAM, KUNNAMKULAM.P.O., THRISSUR-680503. 5 VILLAGE OFFICER, VILLAGE OFFICE, KARIKKAD, PAZHANJI ROAD, KARIKKAD, THRISSUR-680519. BY.SMT.DEEPA NARAYANAN, SENIOR GOVERNMENT PLEADER. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 29th day of November, 2022 The petitioner holds 3.04 Ares of land comprised in Survey No.234/4-11-2 of Karikkad Village in Thrissur District.

2. The land is described as paddy land in Revenue

records. The petitioner wanted to use the land for other purposes and hence submitted an application invoking the provisions of the Kerala Conservation of Paddy Land and Wetland Rules, 2008 seeking to change the nature of the land. The Revenue Divisional

Officer, who considered the application, passed Ext.P1 order

dated 20.07.2022 in favour of the petitioner.

3. The grievance of the petitioner is that in spite of Ext.P1

order permitting to change the nature of his land in Revenue

records, the Tahsildar concerned is not taking consequential steps. The petitioner therefore submitted Ext.P2 representation before the Tahsildar. In spite of Ext.P2, no steps have been taken by the Tahsildar, contends the counsel for the petitioner.

4. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader representing the respondents.

5. Going through the pleadings, it is evident that the

Revenue Divisional Officer has passed Ext.P1 order dated 20.07.2022 ordering that the nature of the land possessed by the petitioner be changed in the Revenue records. Ext.P1 contains a further direction to the Tahsildar to take consequential steps. The grievance of the petitioner is that the Tahsildar has not taken steps to effect necessary entries in the BTR and Revenue records. In view of the direction given by the Revenue Divisional Officer in Ext.P1, the Tahsildar is bound to take action. Accordingly, the writ petition is disposed of directing the 4th respondent-Tahsildar to take necessary steps consequent to Ext.P1 and make necessary changes / entries in the Revenue records, in respect of the petitioner's land. This shall be done within a period of one month. Sd/- N. NAGARESH JUDGE sss
APPENDIX OF WP(C) 37196/2022 PETITIONER'S EXHIBITS EXHIBIT P1 A COPY OF ORDER NO.B3/13275/2021 DATED 20.07.2022 OF THE 3RD RESPONDENT. EXHIBIT P2 A COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 14.10.2022. EXHIBIT P2 (A) A COPY OF THE ACKNOWLEDGMENT CARED OF EXT.P2.

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