

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 2<sup>ND</sup> DAY OF AUGUST 2022 / 11TH SRAVANA, 1944

WP(C) NO. 22473 OF 2022

PETITIONER:

SUDEESH

AGED 63 YEARS

S/O PRABHAKARAN, THEKETHALAKKAL HOUSE, MANAKODAM MURI,  
CHENDAMANGALAM PO, PIN- 683512, ERNAKULAM DISTRICT.

BY ADVS.

V.A.PRADEEP KUMAR

ANOOP KRISHNA

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE,  
GOVT SECRETARIAT, THIRUVANANTHAPURAM, PIN -695001.
- 2 THE REVENUE DIVISIONAL OFFICER,  
OFFICE OF THE REVENUE DIVISIONAL OFFICER,  
KB JACOB ROAD, FORT KOCHI, ERNAKULAM, PIN-682001.
- 3 THE AGRICULTURAL OFFICER,  
KRISHI BHAVAN, CHENDAMANGALAM,  
N.PARAVUR TALUK, PIN-683512.
- 4 THE VILLAGE OFFICER,  
CHENDAMANGALAM VILLAGE, NORTH PARAVUR TALUK,  
ERNAKULAM DISTRICT, PIN-683512.

SMT.SURYA BINOY SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
02.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

Dated this the 2<sup>nd</sup> day of August, 2022

The petitioner, who is owner of 12.13 Ares of land comprised in Survey No.935/11-3 (Old Survey No.711/4) in Block No.4 of Chendamangalam Village of North Paravur Taluk in Ernakulam District, has filed the writ petition seeking to direct the 2<sup>nd</sup> respondent-Revenue Divisional Officer to consider Ext.P5 application and to pass orders thereon, within a time frame to be fixed by this Court.

2. The petitioner states that he is owner in possession of 12.13 Ares of land comprised in Survey No.935/11-3 (Old Survey No.711/4) in Block No.4 of Chendamangalam Village of North Paravur Taluk in Ernakulam District. The land is garden land. It is not cultivated with paddy. It is not fit for paddy cultivation either. However, the land is described as paddy land in Revenue records.

3. The petitioner wants to use the land for other purposes. Hence, the petitioner filed Ext.P5 application in Form-6 before the Revenue Divisional Officer, invoking the provisions of Rule 12(1) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008. The application was filed on 31.05.2022. The application has not been considered so far. Unless the application is considered expeditiously, the petitioner will be put to untold hardship and loss, contends the petitioner.

4. The Government Pleader representing the respondents resisted the writ petition. The Government Pleader controverted all material allegations made by the petitioner, in the writ petition. The Government Pleader, however, submitted that since the petitioner has invoked a statutory remedy under the provisions of the Kerala Conservation of Paddy Land and Wetland Rules, 2008, the application submitted by the petitioner can be considered by

the competent authority in accordance with law, provided the application is received, is complete in all respects and is supported by all necessary documents.

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

6. The property of the petitioner is said to be a dry land, but it has been described as paddy land in Revenue records. Rule 12(1) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008 provides for making applications for changing the nature of land in Revenue records. The petitioner has invoked the provisions of Rule 12(1) of the Rules, 2008 by filing application in Form-6. It being a statutory application, the Competent Authority is bound to consider the application and pass orders thereon within a reasonable time.

The writ petition is therefore disposed of with a direction to the 2<sup>nd</sup> respondent-Revenue Divisional Officer to consider and pass orders on Ext.P5 Form-6 application, if the same is

received supported by all requisite documents and paying prescribed fee, if any, and to pass orders thereon in accordance with law, within a period of four months.

**Sd/-**  
**N.NAGARESH**  
**JUDGE**

spk

APPENDIX OF WP (C) 22473/2022

**PETITIONER EXHIBITS**

- |                   |                                                                                                                                      |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Exhibit P1</b> | <b>THE TRUE COPY OF THE DOCUMENT NUMBER<br/>308 OF 2022, EXECUTED ON 18.03.2022 OF<br/>SRO CHENDAMANGALAM.</b>                       |
| <b>Exhibit P2</b> | <b>THE TRUE COPY OF THE BTR ENTRY .</b>                                                                                              |
| <b>Exhibit P3</b> | <b>THE TRUE COPY OF THE TAX RECEIPT<br/>ISSUED BY THE VILLAGE OFFICER<br/>CHENADAMANGALAM DATED 31.05.2022.</b>                      |
| <b>Exhibit P4</b> | <b>THE TRUE COPY OF THE LAND TAX RECEIPT<br/>ISSUED BY THE VILLAGE OFFICER<br/>CHENDAMANGALAM DATED 18.04.2022.</b>                  |
| <b>Exhibit P5</b> | <b>THE TRUE COPY OF THE APPLICATION OF<br/>THE CONVERSION (FORM 6) DATED<br/>31.05.2022 SUBMITTED BEFORE THE 2ND<br/>RESPONDENT.</b> |

**RESPONDENT'S/S EXHIBITS : NIL**