

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 5TH DAY OF JULY 2023 / 14TH ASHADHA, 1945

WP(C) NO. 21608 OF 2023

PETITIONER:

AHAMMAD,
AGED 70 YEARS
S/O. ALASANKUTTY,
11/290, PUTHANPEEDIYAKKAL,
P.O. MOONNIYOOR,
MALAPPURAM DISTRICT, PIN - 676311

BY ADVS.
K.P.SUDHEER
P.ANIRUDHAN

RESPONDENTS:

- 1 THE REVENUE DIVISIONAL OFFICER,
TIRUR, REVENUE DIVISIONAL OFFICE,
TIRUR, MALAPPURAM DISTRICT, PIN - 676101
- 2 VILLAGE OFFICER,
NEDUVA, P.O. PARAPPANANGADI,
MALAPPURAM DISTRICT, PIN - 676303
- 3 AGRICULTURAL OFFICER,
KRISHI BHAVAN, PARAPPANANGADI,
MALAPPURAM DISTRICT, PIN - 676303

BY SMT. AMMINIKUTTY - SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.07.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

J U D G M E N T

Dated this the 5th day of July, 2023

The petitioner, who is owner of 2.89 Ares of land in Block No.25 of Neduva Village of Tirurangadi Taluk in Malappuram District, has filed this writ petition seeking to direct the 1st respondent to consider Ext.P4 application and to pass orders thereon, within a time frame to be fixed by this Court.

2. The petitioner states that he is the owner of 2.89 Ares of land comprised in Re-Survey No.207/2 of Block No.25 of Neduva Village of Tirurangadi Taluk in Malappuram District. The land is a garden land. It is not cultivated with paddy. It is not fit for paddy cultivation either. However, the land is described as 'Nilam' in Revenue records.

3. The petitioner wants to use the land for other purposes. Hence, the petitioner filed Ext.P4 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 12.07.2022. 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. Senior Government Pleader representing the respondents resisted the writ petition. The Senior Government Pleader controverted all material allegations made by the petitioner, in the writ petition. The Senior 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 Senior Government Pleader representing the respondents.

6. The property of the petitioner is said to be a dry land, but it has been described as 'Nilam', 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 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 1st respondent-Revenue Divisional Officer to consider and pass orders on Ext.P4 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 three months.

**Sd/-
N. NAGARESH
JUDGE**

SSS

APPENDIX OF WP(C) 21608/2023

PETITIONER'S EXHIBITS

EXHIBIT P1	TRUE COPY OF SALE DEED REGISTERED AS DOCUMENT NO. 3400 OF 2010 DATED 30.10.2010 OF PARAPPANANGADI SRO EXECUTED IN FAVOUR OF THE PETITIONER.
EXHIBIT P2	TRUE COPY OF BASIC TAX RECEIPT DATED 01.06.2022 ISSUED BY THE 2ND RESPONDENT ON PAYMENT OF THE BASIC TAX TO THE PROPERTY IN QUESTION.
EXHIBIT P3	TRUE COPY OF ORDER NO. RDOTIR/ 949/ 2022-F2 DATED 07.06.2022 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P4	TRUE COPY OF APPLICATION DATED 12.07.2022 SUBMITTED BY THE PETITIONER IN FORM NO.6 BEFORE THE 1ST RESPONDENT.