

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 24TH DAY OF AUGUST 2023 / 2ND BHADRA, 1945

WP(C) NO. 28541 OF 2023

PETITIONER:

JOJO GEORGE P.
AGED 54 YEARS, S/O. GEORGE PAUL,
PUTHENPURACKAL HOUSE, 50/680 B, TRINITY,
KUMBALAPARAMBU ROAD, AIMS PONEKKARA P.O.,
ERNAKULAM DISTRICT, KERALA., PIN - 682041

BY ADVS.
M.R.DHANIL
SENITTA P. JOJO

RESPONDENTS:

- 1 THE REVENUE DIVISIONAL OFFICER
FORT KOCHI, ERNAKULAM DISTRICT,
KERALA., PIN - 682001
- 2 THE TAHASILDAR (LR)
PARAVUR TALUK, ERNAKULAM DISTRICT,
KERALA., PIN - 683513
- 3 THE VILLAGE OFFICER
ALANGAD, ERNAKULAM DISTRICT,
KERALA., PIN - 683511

SMT.DEEPA NARAYANAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.08.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 24th day of August, 2023

The petitioner and his wife are owners of 2 Ares of property in Block No.1 of Alangad Village of Paravur Taluk in Ernakulam District. The petitioner has filed the writ petition seeking to direct the 1st respondent-Revenue Divisional Officer to consider Ext.P2 application and to pass orders thereon, within a time frame to be fixed by this Court.

2. The petitioner states that the petitioner and his wife are owners in possession of 2 Ares of land comprised in Survey No.185/1-38 of Block No.1 of Alangad Village of 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.P2 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 23.08.2023. 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 1st respondent-Revenue Divisional Officer to consider and pass orders on Ext.P2 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

spk

APPENDIX OF WP(C) 28541/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE ORDER DATED 13/08/2023 OF REVENUE DIVISIONAL OFFICER FORT KOCHI
Exhibit P2	TRUE COPY OF THE FORM 6 APPLICATION, DATED 23/08/2023
Exhibit P3	TRUE COPY OF THE RECEIPT DATED 23/08/2023 OF VILLAGE OFFICE ALANGAD