

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

TUESDAY, THE 11TH DAY OF APRIL 2023 / 21ST CHAITHRA, 1945WP(C) NO. 35875 OF 2022PETITIONER:

ABIN JOSE
AGED 28 YEARS
S/O P.O JOSE, PALANNATTIL HOUSE, KUNNACKAL P.O,
MUVATTUPUZHA, ERNAKULAM, PIN -682316.

BY ADVS.
N.K.SUBRAMANIAN
ABRAHAM MATHAN
SUBRAM N.S.

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR,
ERNAKULAM COLLECTORATE, KAKKANAD, ERNAKULAM -
682030.
- 2 THE REVENUE DIVISIONAL OFFICER
MUVATTUPUZHA REVENUE DIVISIONAL OFFICE MINI
CIVIL STATION, MUDAVOOR P.O, MUVATTUPUZHA,
ERNAKULAM, PIN - 686669
- 3 THE TALUK SURVEYOR,
SURVEYOR OFFICE, MINI CIVIL STATION, MUDAVOOR
P.O, MUVATTUPUZHA, ERNAKULAM, PIN-686 669.
- 4 THE TAHSILDAR,
MUVATTUPUZHA MINI CIVIL STATION, MUVATTUPUZHA,
ERNAKULAM - 686669.
- 5 THE VILLAGE OFFICER,
VALAKAM VILLAGE OFFICE ERNAKULAM, PIN-682316.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11.04.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

VIJU ABRAHAM, J.

WP (C) No.35875 of 2022

Dated this the 11th day of April, 2023

JUDGMENT

Petitioner has filed Ext.P2 application before the 2nd respondent to convert the nature of the land as per Rule 12(1) of the Kerala Conservation of Paddy Land and Wet Land Act, which has now been rejected by Ext.P7 for the reason that the title deed of the property show that the property is having more than 25 cents.

2. Petitioner has a specific case that though the property shown in the title deed is more than 25 cents, the actual extent of the land is only 9.60 ares. Ext.P3 report of the Tahsildar also show that the said property owned by the petitioner is only 9.60 ares. Petitioner has now produced Ext.P9 possession certificate issued by the Village Officer which also would show that the total extent of property is only 9.60 ares of land.

3. Heard the learned Special Government Pleader

also, who upon instructions submitted that they are prepared to reconsider the matter in the light of Exts.P3 and P9. Therefore, Ext.P7 is set aside with a direction to the 2nd respondent to reconsider Ext.P2 in the light of Exts.P3 and P9 and pass orders on the same within a period of two months from the date of receipt of a copy of this judgment.

It is made clear that this Court is issuing such a direction taking note of the fact that though in the title deed the property the extent of the land is more than 25 cents, in other documents including Ext.P9 possession certificate, the extent of the property is as less than 25 cents.

Above writ petition is disposed of accordingly.

sd/-
VIJU ABRAHAM,
JUDGE

pm

APPENDIX OF WP (C) 35875/2022

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE WILL EXECUTED BY THE FATHER AND MOTHER OF THE PETITIONER
Exhibit P2	A TRUE COPY OF THE APPLICATION DATED 15.11.2021 SUBMITTED BY THE PETITIONER
Exhibit P3	A TRUE COPY OF THE REPORT & SKETCH DATED 09.06.2022 OF THE 3RD RESPONDENT
Exhibit P4	A TRUE COPY OF THE LETTER DATED 29.07.2022 ISSUED BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT
Exhibit P5	A TRUE COPY OF THE THANDAPER REGISTRY DATED 11.08.2022 OF VALAKAM VILLAGE
Exhibit P6	A TRUE COPY OF THE LETTER DATED 11.08.2022 ISSUED BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT
Exhibit P7	A TRUE COPY OF THE ORDER DATED 20.08.2022 ISSUED BY THE 2ND RESPONDENT
Exhibit P8	A TRUE COPY OF CIRCULAR NO. G.O(RT) NO.1166/2021/REV DATED 25.02.2021.
Exhibit P9	A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 5TH RESPONDENT BEARING NO.76800579 DATED 17.03.2023