

Kerala High Court

E.C. Cheriyan vs The Secretary on 18 July, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 20526 of 2008(R)

1. E.C. CHERIYAN,

... Petitioner

Vs

1. THE SECRETARY, ATHIRAMPUZHA GRAMA

... Respondent

2. THE REVENUE DIVISIONAL OFFICER,

For Petitioner :SRI.M.V.BOSE

For Respondent :SRI.RAJESH THOMAS,SC,ATHIRAMPUZHA G.PAN

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :18/07/2008

O R D E R

ANTONY DOMINIC, J.

= = = = =
= W.P.(C) = = = = =
No. 20526 OF 2008 R
= = =

Dated this the 18th day of July 2008

J U D G M E N T

Ext. P9 communication issued by the Revenue Divisional Officer, Kottayam to the respondent Panchayat not to assign number to the building constructed by the petitioner is under challenge in this writ petition. The premise on which Ext. P9 is issued is that the building has been constructed by the petitioner, in a land which was reclaimed. This implies that the allegation is that the

petitioner has violated the provisions contained in the Kerala Land Utilisation Order. A reading of Ext. P9 itself shows that the land in question has been reclaimed long in the past. Panchayat also confirms this position. If that be so, for the only reason that sometime in the past the land was a paddy field there is no justification to decline the numbering of the building of the petitioner. Therefore, I do not see any merit in the view taken by the Revenue Divisional Officer in Ext. P9. Accordingly Ext. P9 will W.P.(C) No. 20526 OF 2008 stand quashed and the Panchayat shall consider the application made by the petitioner for numbering the building on its merits and pass appropriate orders within 2 weeks.

2. Writ petition is disposed of as above.

Petitioner shall produce a copy of this judgment before the respondent Panchayat for compliance.

ANTONY DOMINIC JUDGE jan/-