



2023:KER:61945

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
THURSDAY, THE 12TH DAY OF OCTOBER 2023 / 20TH ASWINA, 1945
WP(C) NO. 21832 OF 2023

PETITIONER:

SATHAR K.A

BY ADVS.
P.M.ZIRAJ
IRFAN ZIRAJ

RESPONDENTS:

- 1 THE REVENUE DIVISIONAL OFFICER (R.D.O)
FORTKOCHI, ERNAKULAM DISTRICT, PIN - 682001
- 2 THE LOCAL LEVEL MONITORING COMMITTEE
ELOOR MUNICIPALITY
REPRESENTED BY ITS CONVENER,
AGRICULTURAL OFFICER, KRISHI BHAVAN,
ELOOR MUNICIPALITY, UDYOGAMANDAL P.O.,
ERNAKULAM DISTRICT, PIN - 683501
- 3 AGRICULTURAL OFFICER
KRISHI BHAVAN, ELOOR MUNICIPALITY,
UDYOGAMANDAL P.O.,
ERNAKULAM DISTRICT, PIN - 683501
- 4 THE VILLAGE OFFICER
KADUNGALLUR VILLAGE,
ERNAKULAM DISTRICT, PIN - 683511



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5 5. THE STATE OF KERALA
 REPRESENTED BY SECRETARY TO GOVERNMENT,
 REVENUE DEPARTMENT,
 GOVERNMENT OF KERALA,
 GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM, PIN - 695001

 BY ADV
 K AMMINIKUTTY
 SENIOR GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12.10.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



BECHU KURIAN THOMAS, J.

W.P.(C).No.21832 of 2023

Dated this 12th day of October, 2023

JUDGMENT

By judgment dated 01.07.2021, this Court had directed the 1st respondent to issue orders on petitioner's application filed under the Kerala Land Utilisation Order, 1967. Petitioner alleges that, till date, despite such direction by this Court, orders have not been issued by the 1st respondent. This writ petition is filed seeking a direction to dispose of the same application.

2. This writ petition came up for admission on 06.07.2023 on which date the learned Government Pleader was directed to get instructions. The case thereafter came up on 09.08.2023, 11.09.2023, 05.10.2023 and again on today. On all those posting date, the Government Pleader was directed to get instructions except on 11.09.2023, when petitioner sought an adjournment, though instructions were not forthcoming from the 1st respondent. Today, the learned Government Pleader submitted that, even after repeated requests, instructions are still not forthcoming from the Revenue Divisional Officer regarding the orders directed to be issued by this



Court, in Ext.P6 judgment and hence, she is not in a position to answer the court's queries.

3. The situation arising in the case is not only surprising but even alarming. This Court is compelled to observe that, the conduct of the 1st respondent Revenue Divisional Officer in failing to respond to the requests from the office of the Advocate General to provide instructions is a conduct that undermines the system of administration of justice. When this Court had, in Ext.P6 judgment, specifically directed the 1st respondent to issue orders on Ext.P4 application in a time bound manner, he was bound to comply with the said direction. Even after the lapse of more than twelve months, the litigant is compelled to knock at the doors of this Court, alleging that order as directed was not issued. That, by itself, is an unfortunate situation. Subsequently, when the litigant approaches this Court again complaining of failure to pass orders as directed, the officer withholds instructions from the office of the Advocate General is not only unfortunate but also a dangerous situation indeed. Both the aforementioned situations reflect a callous indifference to the rule of law. If such instances repeat, it will lead to chaos and confusion. When instructions sought for from the office of the Advocate General are not responded to by the officer, the situation warrants a serious and stern action especially since the instructions are being attempted to be obtained on the directions of the Court.



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4. The failure to provide instructions to the Office of the Advocate General as well as the failure to pass the order on the basis of the earlier direction of this Court requires imposition of costs. Therefore, the 1st respondent shall pay an amount of Rs.10,000/- to the Kerala State Legal Services Authority, within seven days from today. The cost shall not be recovered from the Government exchequer under any circumstances and will be the personal liability of the 1st respondent.

5. Considering the circumstances and the factual situation arising in the instant case, I am of the view that, a strict direction has to be issued to the 1st respondent to pass orders on the application filed by the petitioner within the minimum time possible. Therefore, there will be a direction to the 1st respondent to pass appropriate orders on Ext.P4 application, within 'fourteen days' from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

jka/11.10.23.



APPENDIX OF WP(C) 21832/2023

PETITIONER'S EXHIBITS

- Exhibit-P1 TRUE COPY OF THE TAX RECEIPT DATED 12.2.2019 ISSUED BY THE FOURTH RESPONDENT.
- Exhibit-P2 TRUE COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.
- Exhibit-P3 TRUE COPY OF THE CERTIFICATE DATED 4.10.2017 ISSUED BY THE THIRD RESPONDENT STATING THAT THE LAND OF PETITIONER IS NOT INCLUDED IN THE DRAFT DATA BANK.
- Exhibit-P4 TRUE COPY OF THE APPLICATION DATED 8.8.2017 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT ON 20.10.2017.
- Exhibit-P5 TRUE COPY OF THE RECEIPT DATED 20.10.2017 ISSUED FROM THE OFFICE OF FIRST RESPONDENT REGARDING RECEIPT OF EXHIBIT P4.
- Exhibit-P6 TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPCNO.13296/2019 DATED 7.7.2021.
- Exhibit-P7 TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 5.3.2022 IN FORM 6.