

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Con.Case(C).No. 23 of 2015 (S)

WP(C) 22749/2013 of THIS HONOURABLE COURT

PETITIONER/PETITIONER :

**SAJEENA, AGED 39 YEARS,
W/O.MOHAMMED IQBAL, OORATHODIYIL HOUSE,
PARUDUR, OTTAPALAM, PALAKKAD DISTRICT-679305.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SRI.O.K.MURALEEDHARAN**

RESPONDENT/ADDITIONAL 6TH RESPONDENT :

- 1. SMT. NIJAMOL,
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
PRESENTLY FUNCTIONING AS CONVENOR,
LOCAL LEVEL MONITORING COMMITTEE, PARUDUR,
PALAKKAD DISTRICT-679322.**

ADDL. R2 TO R6IMPLEADED :

- 2. V.P. VASUDEVAN,
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
PRESIDENT, PARUDUR GRAMA PANCHAYATH,
CHAIRMAN, LOCAL LEVEL MONITORING COMMITTEE,
PALLIPURAM P.O., PALAKKAD DISTRICT - 679305.**
- 3. BAVA, AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
VILLAGE OFFICER, PARUDUR VILLAGE, PALLIPURAM P.O.,
PALAKKAD DISTRICT - 679305 MEMBER,
LOCAL LEVEL MONITORING COMMITTEE,
PARUDUR GRAMA PANCHAYAT, PALLIPURAM P.,
PALAKKAD DISTRICT - - 679305.**
- 4. RAMADAS PARUDUR, S/O. RADHAKRISHNA KURUPU,
AGE AGE NOT KNOWN TO THE PETITIONER.
SHEEBA NIVAS, PARUDUR P.O., PALAKKAD DISTRICT, MEMBER,
LOCAL LEVEL MONITORING COMMITTEE,
PARUDUR GRAMA PANCHAYAT PALLIPURAM P.O.,
PALAKKAD DISTRICT - 679305.**

**5. DAS KULANTHINGAL, S/O. AYYAPPAN,
AGE NOT KNOWN TO THE PETITIONER
MANGALAM, PARUDUR P.O., PALAKKAD DISTRICT
MEMBER, LOCAL LEVEL MONITORING COMMITTEE,
PARUDUR GRAMA PANCHAYAT PALLIPURAM P.O.,
PALAKKAD DISTRICT - 679305.**

**7. V.P. HARINARAYANAN, S/O. SANKARAN NAIR,
AGE NOT KNOWN TO THE PETITIONER
VELATH HOUSE, PALLIPURAM P.O., PALAKKAD DISTRICT
MEMBR, LOCAL LEVEL MONITORING COMMITTEE,
PARUDUR GRAMA PANCHAYAT PALLIPURAM P.O.,
PALAKKAD DISTRICT - 679305.**

**ADDL. R2 TO R6 ARE IMPEADED AS PER ORDER DT. 22/5/2015
IN IA 165/2015.**

**R1 BY GOVERNMENT PLEADER SMT. M.T. SHEEBA
ADDL.R3,R4 & R5 BY ADV. SRI.VINEETH KOMALACHANDRAN
ADDL R2 & R6 BY ADV. SRI.S.PARAVINDAKSHAN PILLAY
BY ADV. SMT.N.SANTHA
BY ADV. SRI.V.VARGHESE
BY ADV. SRI.PETER JOSE CHRISTO
BY ADV. SMT.L.ANNAPOORNA**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S ANNEXURES :

- ANNEXURE A1: COPY OF THE JUDGMENT IN WPC 22749/2013 DT 20/11/2014.
- ANNEXURE A2: COPY OF THE REPRESENTATION DT 1/12/2014 SUBMITTED BY THE PETITIONER.
- ANNEXURE A3: COPY OF THE LETTER SENT BY THE RESPONDENT TO THE PETITIONER DT 26/12/2014.
- ANNEXURE A4: COPY OF THE REPORT SUBMITTED BY THE VILLAGE OFFICER DT 23/2/2012.
- ANNEXURE A5: COPY OF THE CIRCULAR NO. 4545/RA1/11/LSGD DT 22/1/2011.

RESPONDEN'S ANNEXURES :

- ANNEXURE R1(A): RELEVANT EXTRACT OF THE MINUTES OF THE LOCAL LEVEL MONITORING COMMITTEE, IN RESPECT OF THE PETITIONERS PROPERTY.
- ANNEXURE R1(B): SUBSTANTIATE THIS ROUGH SKETCH OBTAINED FROM THE VILLAGE OFFICER.
- ANNEXURE R1(C): RELEVANT EXTRACT OF THE DATA BANK CONSISTING OF THE PETITIONERS PROPERTY.
- ANNEXURE R1(D): COPY OF THE PROCEEDINGS OF THE COMMUNICATION.
- ANNEXURE R2(A): COPY OF THE MINUTES OF THE MEETING OF THE LOCAL LEVEL MONITORING COMMITTEE, HELD ON 26/12/2014.
- ANNEXURE R2(B): COPY OF THE G.O.(RT)NO. 1539/2013/AD DT 29/8/2013.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

Contempt Case No.23 of 2015

Dated this the 4th day of June, 2015

JUDGMENT

This Contempt Case is filed against the order passed by the Local Level Monitoring Committee, produced as Annexure-A3. This Court directed the Local Level Monitoring Committee to find out whether this property could be classified as 'paddy' as on the date of enactment of the Kerala Conservation of Paddy and Wet Land Act, 2008 (for short, "Act 28 of 2008). Annexure-A3 is the order passed pursuant to the above direction. Though, it is stated in Annexure-A3, the Local Level Monitoring Committee have no power to correct the draft data bank but this was so observed after finding that the property at the present stage is the land fit for agricultural activities.

2. Learned counsel for the petitioner would submit that the order of the Local Level Monitoring Committee is against the directions of this Court. Though, prima facie, it appears that the Local Level Monitoring Committee acted against the directions of

this Court, by observing it has no power, nevertheless, it was so observed after finding that the land at present stage continued to be the land, that would attract the provisions of the Act 28 of 2008. The unintentional and irregular use of expression of their decision cannot be taken as a reason to hold that it is a contempt. Ofcourse, the power is vested with the Local Level Monitoring Committee, they alone have power to correct the draft data bank. In view of the finding that the property continued to be fit for agricultural purposes, even though it is fallow land, it would signify that the property continued to be in the same stage, that could be treated as paddy as on the date of the Act 28 of 2008. However, the petitioner is at liberty to challenge the above order in accordance with law.

If the petitioner wants to move an application in terms of the Act 28 of 2008, treating the property is a paddy for seeking a permission for constructing a residential building, the petitioner is free to do so. Accordingly, this Contempt Case is closed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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