

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WA.No. 761 of 2015 IN WP(C).5008/2015

**AGAINST THE JUDGMENT IN WP(C) 5008/2015 of HIGH COURT OF KERALA
DATED 02-03-2015**

APPELLANT/PETITIONER:

**FEBEENA B.
ASANTAYYATH HOUSE, VALACHAL, VALLIKUNNAM P.O
ALAPPUZHA.**

**BY ADVS.SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.N.MANU THAMPI
DR.K.P.SATHEESAN (SR.)**

RESPONDENTS/RESPONDENTS:

- 1. THE REVENUE DIVISIONAL OFFICER
CHENGANNUR, ALAPPUZHA DISTRICT, PIN.690 501.**
- 2. THE SECRETARY
VALLIKUNNAM GRAMA PANCHAYAT, VALLIKUNNAM P.O
ALAPPUZHA-690 501.**
- 3. THE VILLAGE OFFICER
VALLIKUNNAM VILLAGE, VALLIKUNNAM P.O
ALAPPUZHA-690 501.**

4. ABDUL SALAM

**KALLELI HOUSE, KANNIMEL, VALLIKUNNAM P.O
ALAPPUZHA-690 501.**

**R4 BY ADVS. SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH**

R1 & R3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**R2 BY ADVS.SRI.RENJIT GEORGE
SRI.SAJJU.S**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 31-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

APPELLANT'S ANNEXURES

- ANNEXURE-I : TRUE COPY OF THE PHOTOGRAPH OF THE PROPERTY OWNED BY THE 4TH RESPONDENT**
- ANNEXURE-II : TRUE COPY OF THE CERTIFICATE GIVEN BY THE AGRICULTURAL OFFICER TO THE APPELLANT DATED 6.3.2015 ALONG WITH ENGLISH TRANSLATION**
- ANNEXURE-III : TRUE COPY OF THE RELEVANT PAGE OF THE SETTLEMENT REGISTER MAINTAINED AT THE OFFICE OF DIRECTOR, SURVEY AND LAND RECORDS ALONG WITH ENGLISH TRANSLATION**
- ANNEXURE-IV : TRUE COPY OF THE MASS PETITION FILED BY THE PEOPLE OF THE LOCALITY BEFORE THE DISTRICT COLLECTOR, ALAPPUZHA DATED 15.03.2015**

RESPONDENT'S ANNEXURES

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.761 of 2015

Dated this the 31st day of March 2015

J U D G M E N T

Shaffique, J.

The petitioner in W.P.(C) No.5008 of 2015 has filed this appeal challenging the judgment dated 2.3.2015. The writ petition was filed seeking for a direction to the first respondent to take appropriate action in respect of Ext.P2 complaint filed by the petitioner against illegal conversion of the paddy field by the 4th respondent and for consequential reliefs. The main contention urged by the petitioner is that the 4th respondent is converting 40 cents of paddy field owned by him in Survey No.460/19 of Vallikunnam Village in violation of the provisions contained in the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

2. A counter affidavit is filed by the 4th respondent producing documents to indicate that the property is not included as a 'paddy land' in the Data Bank prepared by the Local Level Monitoring Committee in accordance with the provisions of Act, 2008 and that as per the Basic Tax Register also the property is

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described as 'dry land'. On that basis, the learned Single Judge did not feel it necessary to entertain the writ petition and accordingly, the writ petition was dismissed.

3. Learned counsel for the appellant submits that on account of the filling operations being done by the 4th respondent in the land, the flow of water in the area is being prevented and obstructed. It is also pointed out on the basis of the additional documents produced that the property in question is in fact a 'paddy field' and is not a 'dry land' as contended.

4. The appellant has raised various questions based on the additional documents produced, which are disputed questions of fact, which cannot be gone into by this Court in this proceedings. If the appellant has a case that despite the entries in the revenue records as well as in the Data Bank prepared by the Local Level Monitoring Committee, the property is a 'paddy field', it is open for the appellant to adduce necessary evidence in that regard before the civil court. This Court, in writ jurisdiction cannot entertain such disputed questions of fact. Hence, we do not think it necessary to interfere with the judgment, as no grounds are made out for interference.

W.A. No.761 of 2015

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Accordingly, this writ appeal is dismissed without prejudice to the right of the appellant to approach the civil court for appropriate orders.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt