

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WA.No. 1739 of 2015 () IN WP(C).18820/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 18820/2015 of HIGH COURT OF KERALA
DATED 23/6/2015**

APPELLANT(S)/5TH RESPONDENT:

**K.G.GEEVARGHESE
KATTUNILATHU PUTHENPURAYIL HOUSE
NIRANAM CENTRAL P.O., THIRUVALLA
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER THOMAS VARGHESE
KATTUNILATHU PUTHENPURAYIL HOUSE
NIRANAM CENTRAL P.O., THIRUVALLA.**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENT(S)/PETITIONERS & RESPONDENTS 1 TO 4 IN WPC:

- 1. RAMACHANDRAN
S/O. CHELLAPPAN, KATTANATTUKUZHAYIL HOUSE
KIZHAKKUMBHAGOM P.O., NIRANAM - 689 621.**
- 2. C.C.THOMAS
CHARAKATTOOR, KUTTOOR P.O., THIRUVALLA - 689 582.**
- 3. THE STATE OF KERALA
REPRESENTED BY SECRETARY, AGRICULTURAL DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 4. THE DISTRICT COLLECTOR
PATHANAMTHITTA - 689 645.**
- 5. THE REVENUE DIVISIONAL OFFICER
THIRUVALLA - 689 101.**
- 6. AGRICULTURAL OFFICER
KRISHI BHAVAN, NIRANAM P.O - 689 621.**

**R1,R2 BY ADV. SRI.P.HARIDAS
R1,R2 BY ADV. SMT.S.SIKKY
R1,R2 BY ADV. SRI.P.C.SHIJIN
BY SR GOVERNMENT PLEADER SRI.P.IDAVIS**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

APPELLANT'S EXHIBITS

ANNEXURE A: TRUE COPY OF THE COMMUNICATION DT 17.7.2015 OBTAINED UNDER THE RIGHT TO INFORMATION ACT FROM REVENUE DIVISIONAL OFFICE, THIRUVALLA ALONG WITH THE APPLICATION WITH TRANSLATION.

ANNEXURE B: TRUE COPY OF THE COMMUNICATION DATED 20.7.2015 OBTAINED UNDER THE RIGHT TO INFORMATION ACT FROM VILLAGE OFFICE, NIRANAM WITH TRANSLATION.

ANNEXURE C: TRUE COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 26.4.2015 WITH TRUE ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS

ANNEXURE R1(a): TRUE COPY OF THE REPLY GIVEN TO 1ST PETITIONER ON 23.2.2015 BY THE VILLAGE OFFICER, NBIRANAM IN RESPONSE TO APPLICATION SUBMITTED BY 1ST PETITIONER AND ITS TRANSLATION.

ANNEXURE R1(b): TRUE COPY OF THE COMPLAINT MADE BY 1ST PETITIONER BEFORE THE DISTRICT COLLECTOR AND ITS TRANSLATION.

//True Copy//

PS to Judge

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No.1739 of 2015

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Dated this, the 20th day of August, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the parties.

2. This writ appeal has been filed against judgment dated 23/6/2015 in WP(C) No.18820/2015. The writ petition was filed by respondents 1 and 2 herein praying for a direction in the nature of mandamus commanding the State to issue notice and hear the petitioners before disposal of Ext.P4. Ext.P4 was a revision petition filed by the appellant under Section 28 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. Learned Single Judge by judgment dated 23/6/2015 directed that petitioners shall be heard before orders are passed.

3. Appellant, the 5th respondent therein, aggrieved by the said judgment has come up in this writ appeal. Learned counsel for the appellant submits that at no stage, the petitioners in the writ petitions have filed any complaint or initiated any

proceedings against the appellant. It is submitted that hearing them could not have been directed by the learned Single Judge in the proceedings of revision, which was filed by the appellant. Learned counsel for respondents 1 and 2, the writ petitioners, submits that the writ petitioners had sent complaints including complaint to the District Collector which fact is refuted by the learned counsel for the appellant.

4. After having heard the learned counsel for the parties, we are of the view that Ext.P4 proceedings was initiated at the instance of the appellant by filing a revision under Section 28. Learned Single Judge ought not have directed the petitioners to be heard since the proceedings were not initiated at their instance. However, in event, the proceedings were initiated at their instance or they had submitted any complaints before the Collector/RDO, which is on the record, only then, they could have requested the revisional authority to hear them.

5. In the above view of the matter, we modify the judgment of the learned Single Judge to the effect that the writ petitioners be not heard unless at their instance any proceedings

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-:3:-

were initiated or their complaints were taken into cognizance by District Collector or the RDO.

Writ appeal is disposed of accordingly.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge