

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 297 of 2015 (J)

PETITIONERS:-:

1. BISHAN,
S/O.PRABHAKARAN, ARAKKAL HOUSE, TALIKULAM VILLAGE
THAMPANKADAVU P.O., DESOM, CHAVAKKAD TALUK
THRISSUR DISTRICT.
2. NISHA,
W/O.BISHAN, ARAKKAL HOUSE, TALIKULAM VILLAGE
THAMPANKADAVU P.O., DESOM, CHAVAKKAD TALUK
THRISSUR DISTRICT.

BY ADV. SRI.V.BINOY RAM

RESPONDENTS:-:

1. THE DISTRICT COLLECTOR,
THRISSUR, COLLECTORATE, AYYANTHOLE
THRISSUR, PIN - 680 003.
2. THALIKULAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, THALIKULAM
THRISSUR DISTRICT, PIN - 680 569.
3. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, CHAVAKKAD, THRISSUR DISTRICT
PIN - 680 506.
4. AGRICULTURE OFFICER CUM LOCAL LEVEL MONITORING COMMITTEE,
KRISHI BHAVAN, THALIKULAM, THRISSUR DISTRICT
PIN - 680 569.
5. THE VILLAGE OFFICER,
THALIKULAM VILLAGE OFFICE, CHAVAKKAD TALUK
THRISSUR DISTRICT, PIN - 680 569.

R1,3-5 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE DEED NO.1433/1/2011 OF FADANAPPILLY SRO.
- EXHIBIT P2. TRUE COPY OF THE LETTER ISSUED BY THE DIVISIONAL FOREST OFFICER, THRISSUR TO THE RANGE OFFICER, PATTIKKAD.
- EXHIBIT P3. TRUE COPY OF THE N.O.C LETTER ISSUED BY THE FOREST RANGE OFFICER, PATTIKKAD DATED 06.07.2001.
- EXHIBIT P4. TRUE COPY OF THE LETTER SENT BY THE D.F.O., THRISSUR TO THE ASSISTANT DISTRICT INDUSTRIES OFFICER, CHAVAKKAD TALUK DATED 30.07.2001.
- EXHIBIT P5. TRUE COPY OF THE PLAN OF THE UNIT.
- EXHIBIT P6. TRUE COPY OF THE SANCTION LETTER ISSUED BY THE SOUTH MALABAR GRAMIN BANK, THIRIPRAYAR BRANCH.
- EXHIBIT P7. TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE UNIT.
- EXHIBIT P8. TRUE COPY OF THE CERTIFICATE ISSUED BY SOUTH MALABAR GRAMIN BANK, THIRIPRAYAR.
- EXHIBIT P9. TRUE COPY OF THE PROGRESS REPORT ISSUED BY SOUTH MALABAR GRAMIN BANK, THIRIPRAYAR.
- EXHIBIT P10. TRUE COPY OF THE LICENSE ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P11. TRUE COPY OF THE TAX RECEIPT.
- EXHIBIT P12. TRUE COPY OF THE LOCATION SKETCH IN THE NAME OF THE 2ND PETITIONER.
- EXHIBIT P13. TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P14. TRUE COPY OF THE PETITION SUBMITTED BY THE 3RD RESPONDENT.
- EXHIBIT P15. TRUE COPY OF THE REPLY TO EXHIBIT P14 OF THE 5TH RESPONDENT.
- EXHIBIT P16. TRUE COPY OF THE REPLY TO THE 1ST RESPONDENT BY THE 1ST PETITIONER.
- EXHIBIT P17. TRUE COPY OF THE ORDER DATED 26.07.2014 OF THE 1ST RESPONDENT.
- EXHIBIT P18. TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK.

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**EXHIBIT P19. TRUE COPY OF THE PHOTOGRAPHS SHOWING THE NATURE OF THE
PETITIONERS PROPERTY.**

**EXHIBIT P20. TRUE COPY OF THE PHOTOGRAPHS SHOWING THE BUILDING NO.
BOARD.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 297 of 2015

Dated this the 6th day of January, 2015

J U D G M E N T

The petitioners are challenging correctness and sustainability of Ext.P17 order dated 26.07.2014, passed by the 1st respondent invoking the power under Section 13 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008, whereby restoration of the property has been ordered, holding that there was violation of the relevant provisions of the said Act.

2. Heard the learned Government Pleader as well.

3. This Court finds that much factual dispute is raised by the petitioners with regard to the actual nature of the property and that the petitioners are having an effective alternative remedy by way of revision before the Government under Section 28 of the said Act.

4. In the said circumstances, interference is declined and the writ petition is dismissed, without prejudice to the rights and liberties of the petitioners to move the State represented by the Secretary to the Department of Agriculture, by way of appropriate proceedings.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.