

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 1162 of 2015 (U)

PETITIONER:

**JOSEPH, S/O.VAREED, AGED 52 YEARS,
MANJALI HOUSE, VARAKKARA P.O, AMBALLUR VILLAGE,
THRISSUR DISTRICT.**

**BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH**

RESPONDENTS:

- 1. STATE OF KERALA
REP. BY ITS SECRETARY,
DEPARTMENT OF AGRICULTURE (NCA), SECRETARIAT,
THIRUVANANTHAPURAM-695 001**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR,
PIN-680 003**
- 3. THE LOCAL MONITORING COMMITTEE,
AMBALLUR, THRISSUR DISTRICT- 680001**

BY GOVERNMENT PLEADER, SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 - COPY OF THE NOTICE DATED 14-7-2014 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER UNDER SECTION 13 OF
THE ACT.
- EXT.P2 - COPY OF THE OBJECTION PREFERRED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.
- EXT.P3 - COPY OF ORDER PASSED BY THE 2ND RESPONDENT ON
16-9-2014.
- EXT.P4 - COPY OF THE REVISION PETITION DATED 16-10-2014
PREFERRED BY THE PETITIONER BEFORE THE 1ST
RESPONDENT.
- EXT.P5 - COPY OF THE PETITION PREFERRED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT DATED 16-10-2014.
- EXT.P6 - COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
WPC.NO.30935/2014 DATED 20-11-2014.
- EXT.P7 - COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT
DATED 5-1-2014.

RESPONDENTS' EXHIBITS : **NIL**

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.1162 OF 2015
.....

Dated this the 21st January, 2015

J U D G M E N T

The petitioner is stated as the absolute owner of the properties having an extent of 65 cents in Sy.No.1279/3 and 17 cents in Sy.No.1280/1 of Amballur village . According to the petitioner the said properties were purchased in the years 1999 and 2007; and that at the time of purchase of the properties, property was remaining as garden land. Alleging unauthorised filling of the paddy land, it was ordered to be restored as per Ext.P3 order of the second respondent/District Collector, also referring to the entry in the Data Bank Register, showing it as paddy land. The petitioner moved the Local Level Monitoring Committee by filing necessary application for deleting the entry from the Data Bank Register, as it was not paddy land or wet land as on the date of commencement of the Act. Because of the apprehended coercive proceedings, the petitioner approached this Court by filing W.P.(C)30935 of 2014, which was disposed of as per Ext.P6 judgment dated 20.11.2014 directing the third respondent /Local Level Monitoring Committee to take a decision. After conducting the local inspection., the application

preferred by the petitioner came to be rejected as per Ext.P7 order dated 08.01.2015, which made the petitioner approach this Court again by filing this writ petition.

2. The learned Counsel for the petitioner submits that direction given by this Court has not been complied with properly in so far as no spot inspection was conducted by the third respondent. This however is sought to be rebutted by the learned Government Pleader . However, the fact remains that Ext.P3 order passed by the District Collector still remains intact. Though the petitioner has moved the revisional authority, i.e. the Secretary, Dept. of Agriculture (the first respondent herein) by way of Ext.P4, the same is still to be acted upon.

3. True, there is an observation and finding in Ext.P6 judgment to the effect that if the order to be passed by the third respondent/Local Level Monitoring Committee comes to be in favour of the petitioner and the property is deleted , the District Collector has to recall Ext.P3 order. This however did not take place as the finding of the Local Level Monitoring Committee as per Ext.P7 was against the petitioner. In the said circumstance, this Court finds that the matter requires to be considered by the

first respondent/Secretary to the Department of Agriculture, who is to pass appropriate orders on Ext.P4 Revision Petition.

4. Accordingly, there will be a direction to the first respondent/Secretary, Department of Agriculture, Government of Kerala to consider and pass appropriate orders on Ext.P4, after hearing the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment. 'Status quo' shall be maintained till such time.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent/Secretary, Department of Agriculture, Government of Kerala for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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