

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 1980 of 2015 (V)

PETITIONER :

**P.V.SANY, AGED 53 YEARS,
S/O. VARKEY, PAREKKATTIL HOUSE, PULIYANAM P.O.,
PARAKADAVU VILLAGE, ANGAMALY.**

**BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.THOMAS CHAZHUKKARAN
SRI.M.M.VINOD KUMAR
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER**

RESPONDENTS :

- 1. DISTRICT COLLECTOR ERNAKULAM
PIN - 682 030.**
- 2. REVENUE DIVISIONAL OFFICER,
FORT KOCHI - 682 001.**
- 3. VILLAGE OFFICER,
PARAKADAVU VILLAGE, ALUVA - 683 101.**
- 4. AGRICULTURAL OFFICER,
PARAKADAVU, ALUVA**
- 5. K.T.JOHN
S/O. THOMAS, KANNAMPUZHA HOUSE, KODUSSERY
PARAKADAVU VILLAGE, ALUVA - 683 101.**
- 6. V.V.BABU
S/O. VARGHERSE, VAZHAKALA HOUSE, KODUSSERY
PARAKADAVU - 683 101.**
- 7. SINI, W/O. PAULY, PAREKKATTIL HOUSE, KIDANGOOR,
THURAVOOR, ANGAMALY**

**R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE
R5,R6 & R7 BY ADV. SRI.P.J.PAULACHAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: PHOTOCOPY OF THE THANDAPER REGISTER ISSUED BY 3RD RESPONDENT.
- P2: PHOTOCOPY OF THE LOCATION SKETCH OF RESPONDENTS 5 TO 7 AND PETITIONER.
- P3: PHOTOCOPY OF THE PETITION BEFORE THE 2ND RESPONDENT DT. 3.11.11 BY THE PETITIONER.
- P4: PHOTOCOPY OF THE PROHIBITORY ORDER ISSUED BY THE 2ND RESPONDENT BEARING NO. K-9647/11 DT. 07.12.11.
- P5: PHOTOCOPY OF THE REPORT OF 3RD RESPONDENT TO SUB COLLECTOR DT. 19.9.13.
- P6: PHOTOCOPY OF THE PETITION CA 29141/12 TO 1ST RESPONDENT DT. 07.12.12.
- P7: PHOTOCOPY OF THE ORDER BEARING NO. K 9647/11 DT. 29.11.13 ISSUED BY R2 TO R1.
- P8: PHOTOCOPY OF THE ORDER BEARING NO. 9647/14 DT. 27.5.14 BY R2 TO R1.
- P9: PHOTOCOPY OF THE NOTICE BEARING NO 43355/2014 ISSUED BY 1ST RESPONDENT DT. 21.10.14.

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.1980 of 2015

Dated this the 4th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Call for records connecting Exts.P1 to P9 from the respondents concerned;

ii. Issue Writ of Mandamus directing the respondents 1 to 3 to take action against respondents 4 to 7 to restore the reclaimed paddy field and thodu as shown in Exts.P1 and P2 in accordance with provisions of Kerala Conservation of Paddy Land and Wet Land Act, 2008;

iii. Such other reliefs as this Hon'ble court may deems fit and proper;

AND

iv. Award cost to the petitioner."

2. The learned counsel for the petitioner submits that, the grievance of the petitioner is mainly with regard to the illegal reclamation of the paddy land by respondents 5 to 7 and despite filing several representations, no action has been taken by the concerned respondents.

3. Heard the learned Government Pleader appearing for respondents 1 to 4 and also Sri. Paulachan Puthuppady, the learned counsel, appearing for respondents 5 to 7 as well.

4. The learned counsel for the petitioner submits that, the

hearing was already over on 30.10.2014, pursuant to Ext.P9 notice.

5. After hearing both the sides, this Court finds that the matter could be caused to be disposed of, by directing the 1st respondent to pass appropriate orders on Ext.P6, after affording an opportunity of hearing to both the sides, if the hearing is still to be over.

6. In the said circumstances, the 1st respondent is directed to pass appropriate orders on Ext.P6, after affording an opportunity of hearing as aforesaid and also after obtaining a report from the 4th respondent/Agricultural Officer, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the concerned respondents, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

sp