

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 2582 of 2015 (W)

PETITIONERS:

- 1. SUKUMARAN,
VELLAYIL, THRIPPERUNTHURA VILLAGE,
MAVELIKKARA.**
- 2. ANILKUMAR,S/O.SUKUMARAN,
VELLAYIL, THRIPPERUNTHURA VILLAGE,
MAVELIKKARA.**

**BY ADVS.SRI.B.PRAMOD
SRI.S.K.SAJI**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
ALAPPUZHA -688 001**
- 2. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR-689 121**
- 3. THE AGRICULTURAL OFFICER,
CHENNITHALA, MAVELIKKARA-690 105**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 2582 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE BASIC TAX RECEIPT DTD 9/12/2004**
- P2:- TRUE COPY OF THE RELEASE DEED DTD 23/1/2012 EXECUTED IN FAVOUR OF THE IST PETITIONER BY THE PRESIDENT OF THRIPERUNTHURA SERVICE CO-OPERATIVE B ANK LTD. NO. 3878.**
- P3:- TRUE COPY OF THE PHOTOGRAPHS**
- P4:- TRUE COPY OF THE ORDER DTD 7/11/2014 ISSUED BY THE IST RESPONDENT**
- P5:- TRUE COPY OF THE NOTICE DTD 16/12/2014 ISSUED BY THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.2582 of 2015

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Dated this the 27th day of January, 2015

JUDGMENT

The petitioners have approached this Court challenging the correctness and sustainability of Ext.P4 order dated 07.11.2014 passed by the 1st respondent under Section 13 of the Kerala Conservation of Paddy and Wet Land Act, whereby restoration of the property has been ordered, stating that it was a paddy land as stipulated under Section 2(xii) of the Act 28 of 2008.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, it is seen that the petitioners are still having an effective alternate remedy by way of revision under Section 28 of the aforesaid Act before the Government. The facts and figures have to be considered and appreciated to have a proper adjudication and as such, the petitioners are relegated to pursue the statutory remedy. If any such revision petition is filed before the Secretary, Department of Agriculture, Government of Kerala within 'two weeks' from the date of receipt of a copy of the judgment, the same shall be

considered and appropriate orders shall be passed, in accordance with law, after affording an opportunity of hearing to the petitioners at the earliest, at any rate, within a period of three months from the date of filing of the said revision petition. 'Status quo' shall be maintained till such time.

3. So as to facilitate such exercise, the Secretary to the Department of Agriculture, Government of Kerala, Thiruvananthapuram is suo motu impleaded in the writ petition as additional 4th respondent and the learned Government Pleader has entered appearance on behalf of the said additional 4th respondent as well.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the additional 4th respondent for further steps.

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