

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No.3193 of 2015 (Y)

PETITIONER:

**KHADEEJA K.T,W/O.MUHAMMED KUNHI HAJI,
AGED 68 YEARS,MAVALAKANDY HOUSE,
KAKKAD,KANNUR DISTRICT.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
KANNUR COLLECTORATE,KANNUR-670 001.**
- 2. THE CHAIRMAN,
LOCAL LEVEL MONITORING COMMITTEE,
PUZHATHI GRAMA PANCHAYATH,
PUZHATHI,KANNUR-670 002.**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
TRIVANDRUM-695 001.**

R1 & R3 BY GOVT. PLEADER SRI.MOHAMED SHAFI.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.3193 of 2015 (Y)

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1:TRUE COPY OF THE REGISTERED DOCUMENT NO.1484/1979 OF SRO
KANNUR.

EXT.P2:TRUE COPY OF THE PURCHASE CERTIFICATE.

EXT.P3:TRUE COPY OF THE INTIMATION GIVEN BY THE ASSISTANT EXECUTIVE
ENGINEER,TRANSMISSION CONSTRUCTION,KANNUR.

EXT.P4:TRUE COPY OF THE STOP MEMO ISSUED BY THE VILLAGE OFFICER,
PUZHATHI.

EXT.P5:TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT.

EXT.P6:TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT
DATED 7/1/2015.

EXT.P7:TRUE PHOTOGRAPHS SHOWING THE DRAWAL OF ELECTRIC LINE AND
LIE AND CONDITION OF THE PETITIONER'S PEROPERTY.

EXT.P8:TRUE COPY OF THE REVISION FILED BY THE PETITIONER BEFORE THE
SECRETARY,AGRICULTURE DEPARTMENT,GOVERNMENT OF KERALA.

RESPONDENTS EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 3193 of 2015

Dated this the 6th day of February, 2015

JUDGMENT

The petitioner is stated as aggrieved of Ext.P6 order dated 7.01.2015 passed by the 1st respondent in exercise of power under Section 13 of the Act 28 of 2008, whereby restoration of property has been ordered.

2. The case of the petitioner is that, the property concerned is not a paddy land or wet land and was never remaining as so as on the date of commencement of the Act 28 of 2008. After filing the writ petition, the petitioner has moved the 3rd respondent by filing a revision petition under Section 28 of the aforesaid Act, a copy of which has been produced as Ext.P8 along with I.A. No. 1839 of 2015.

3. After hearing the learned counsel for the petitioner and also the learned Government Pleader, the writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext.P8 in accordance with law after affording an opportunity of hearing to 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 and I.A before the third respondent for further steps.

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

kp/-