

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 3317 of 2015 (L)

PETITIONER(S):

**DR.M.MUHAMMED ALI, AGED 53,
S/O.LATE M.MUHAMMED, MELETHIL HOUSE, VALIYANGADI,
PERINTHALMANNA.**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO
DEPARTMENT OF AGRICULTURE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
MALAPPURAM - 675 011.**
- 3. THE SUB COLLECTOR,
PERINTHALMANNA, MALAPPURAM DISTRICT - 675 011.**
- 4. THE TAHSILDAR,
PERINTHALMANNA, MALAPPURAM DISTRICT - 675 011.**
- 5. THE VILLAGE OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT - 675 011.**
- 6. THE AGRICULTURAL OFFICER,
CONVENER, LOCAL LEVEL MONITORING COMMITTEE,
CONSTITUTED UNDER THE PROVISIONS OF KERALA,
CONSIDERATION OF PADDY LAND & WET LAND ACT,
PERINTHALMANNA, MALAPPURAM DISTRICT - 675 011.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 3317 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE TAX RECEIPT DATED 20/06/2014.

**EXT.P2: TRUE COPY OF THE ORDER DATED 14/07/1995 PASSED BY THE
3RD RESPONDENT.**

EXT.P3: TRUE COPY OF THE ROUGH SKETCH OF THE PROPERTY.

**EXT.P4: TRUE COPY OF THE APPLICATION DATED 03/12/2014 SUBMITTED BEFORE
THE REVENUE DIVISION OFFICER, PERINTHALMANNA.**

**EXT.P5: TRUE COPY OF THE ORDER NO. M-2191/2014 DATED 01/01/2015 ISSUED BY
THE 3RD RESPONDENT.**

**EXT.P6: TRUE COPY OF THE REPRESENTATION DATED 29/01/2015 SUBMITTED
BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3317 OF 2015

Dated this the 3rd day of February, 2015

J U D G M E N T

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Petitioner is the owner of land having an extent 44 cents comprised in Survey No.21/3 in Perinthalmanna Village in Perinthalmanna Taluk. According to the Petitioner, the same is not a 'paddy land' or 'wet land' as defined under Section 2(xii) or 2(xviii) of Act 28 of 2008. In spite of this and absolutely without any regard to the factual and legal position, the property has been ordered to be restored as per Ext.P5 order dated 1.1.2015 issued by the 3<sup>rd</sup> respondent though the same is styled as a notice. This made the petitioner to approach the 2<sup>nd</sup> respondent by filing Ext.P6 pointing out the facts and figures, but the same is still to be acted upon and hence this Writ Petition.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides and after going through the relevant provisions of law, this Court finds that the competent authority to consider the matter as per the scheme of the Statute is none other than the 2<sup>nd</sup> respondent. This being

the position, the matter requires to be considered by the said respondent. Accordingly, there will be a direction to the 2<sup>nd</sup> respondent to consider Ext.P6 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment. It is open for the 2<sup>nd</sup> respondent to call for a report from the 6<sup>th</sup> respondent before finalisation of the proceedings as above. Implementation of Ext.P6 shall be kept in abeyance till such time and the same will be considered as a notice issued by the 2<sup>nd</sup> respondent in this regard.

Writ Petition is disposed of as above.

sd/-

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

ps/3/2/2015