

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 4505 of 2015 (K)

PETITIONER(S) :

**MANOJ K.K, AGED 37 YEARS,
S/O.KRISHNAN K.R, KIZHAKOOTU HOUSE,
ARATUPUZHA.P.O,THRISSUR.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
THRISSUR-680 001.**
- 2. THE TAHSILAR,
THRISSUR-680 001.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, GOVT., SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 4. THE AGRICULTURAL PRODUCTION COMMISSIONER,
AGRICULTURAL N C A DEPARTMENT,
THIRUVANANTHAPURAM-695 001.**

BY SPL.GOVERNMENT PLEADER SRI.P.K.SOYUZ (REVENUE)

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE SALE DEED DATED 10.10.2011.
- EXT.P2: A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO
 THE PETITIONER DATED 14.11.2011.
- EXT.P3: A TRUE COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED TO
 THE PETITIONER DATED 15.10.2011.
- EXT.P4: A TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF LAND TAX
 BY THE PETITIONER DATED 14.11.2011.
- EXT.P5: A TRUE COPY OF THE APPLICATION DATED 14.11.2011.
- EXT.P6: A TRUE COPY OF THE COMMUNICATION DATED 23.12.2011 OF
 THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, THRISSUR.
- EXT.P7: A TRUE COPY OF THE STOP MEMO DATED 20.02.2012.
- EXT.P8: A TRUE COPY OF THE ORDER DATED 21.02.2012 ISSUED BY
 THE DISTRICT COLLECTOR, THRISSUR.
- EXT.P9: A TRUE COPY OF THE SAID NOTICE ISSUED ON BEHALF OF
 THE FIRST RESPONDENT.
- EXT.P10: A TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER.
- EXT.P11: A TRUE COPY OF THE REVISION FILED CANNOT BEFORE
 THE FOURTH RESPONDENT DATED 18.05.2012.
- EXT.P12: A TRUE COPY OF THE APPLICATION OF THE PETITIONER
 DATED 10.02.2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4505 of 2015

Dated this the 19th day of February, 2015

J U D G M E N T

The petitioner is stated as aggrieved by Ext.P8 order dated 21.02.2012, passed by the 1st respondent whereby restoration of the property has been ordered under Section 13 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. According to the petitioner, the property having an extent of 6.35 Ares in Re. Sy. No.373/5 of Aratupuzha Village of Thrissur Taluk in Thrissur District, covered by Ext.P1 'sale deed' is not a paddy land or wet land as contemplated under Section 2(xii) or 2(xviii) of the said Act and the same is lying as a dry land as revealed from the documents produced in support of the writ petition. However, without any regard to the actual facts and figures, the proceedings came to be finalized by the 1st respondent as per Ext.P8 order. Being aggrieved by the said order the petitioner has already moved the revisional authority by submitting Ext.P11 revision petition under Section 28 of Kerala Conservation of Paddy Land and Wet Land Act, 2008. The learned counsel further submits that, though it was originally filed before the Land

Revenue Commissioner, the same has been subsequently forwarded by the competent authority ie, the 4th respondent and it has been numbered as Revision No.18719/NCA/3/2012/Agriculture, as stated in paragraph 6 of the writ petition. The prayer is to cause the same to be considered and disposed of within a reasonable time.

2. Heard the learned Special Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed of, directing the 4th respondent to consider and pass appropriate orders on Ext.P11, in accordance with law, after affording an opportunity of hearing to the petitioner. It shall be done, 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 this judgment along with a copy of the writ petition before the 4th respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.