

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 5024 of 2015 (C)

PETITIONER :

**H.NOORUDEEN,AGED 57 YEARS,
S/O.HASSANKUTTY RAWTHER, MANAF MANZIL,
MANKAMKUZHY (P.O), VETTIYAR, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, ALAPPUZHA,
PIN - 688 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
CHENGANUR, ALAPPUZHA DISTRICT, PIN - 689 121.**
- 3. TAHSILDAR, TALUK OFFICER, MAVELIKKARA,
ALAPPUZHA DISTRICT. PIN - 690 101.**
- 4. THE VILLAGE OFFICER, CHUNAKKARA,
MAVELIKKARA, ALAPPUZHA DISTRICT,
PIN - 690 108.**
- 5. SUBADRAMMA, AGED 60 YEARS,
THURUTHIYIL PUTHENPRAYIL, NADUVELIMURI, CHUNAKKARA,
CHUNAKKARA VILLAGE, ALAPPUZHA DISTRICT, PIN - 690 534.**
- 6. JAYALAKSHMI, AGED 39 YEARS, D/O.SUBADRAMMA,
THURUTHIYIL PUTHENPRAYIL NADUVELIMURI,
CHUNAKKARA, CHUNAKKARA VILLAGE,
ALAPPUZHA DISTRICT, PIN - 690 534.**

R1 TO R4 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE COMPLAINT DATED 31.7.2014 FILED BEFORE THE 2ND RESPONDENT
- EXT.P-2: TRUE COPY OF THE COVERING LETTER DT. 22.12.2014 OF THE 3RD RESPONDENT
- EXT.P-2(A): TRUE COPY OF THE NOTE FILE OF EXHIBIT P1 COMPLAINT
- EXT.P-3: TRUE COPY OF THE PHOTOGRAPH OF THE 5TH RESPONDENT'S PROPERTY.
- EXT.P-3(A): TRUE COPY OF THE PHOTOGRAPH OF THE 5TH RESPONDENT'S PROPERTY.
- EXT.P-3(B): TRUE COPY OF THE PHOTOGRAPH OF THE 5TH RESPONDENT'S PROPERTY.
- EXT.P-3(C): TRUE COPY OF THE PHOTOGRAPH OF THE 5TH RESPONDENT'S PROPERTY.
- EXT.P-4: TRUE COPY OF THE LETTER DATED 12.11.14 ISSUED BY THE DEPUTY TAHSILDAR (WITHOUT ENCLOSURES)
- EXT.P-5: TRUE COPY OF THE LAWYER NOTICE DATED 10.11.14 SENT TO THE 5TH RESPONDENT
- EXT.P-5(A): TRUE COPY OF THE LAWYER NOTICE DATED 10.11.14 SENT TO THE 6TH RESPONDENT
- EXT.P-6: TRUE COPY OF THE REPLY DATED 17.11.2014

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5024 of 2015

Dated this the 23rd day of February, 2015

J U D G M E N T

The petitioner is before this Court being aggrieved of the alleged unauthorised filling up of paddy land by the respondents 5 & 6. It is stated that the grievance has already been projected by way of Ext.P1 before the 2nd respondent. Pursuant to urgent notice on admission, respondents 5 & 6 have entered appearance. The learned counsel for the party respondents submits that, no unauthorised filling up exercise has been done by the said respondents and they seek for time to file counter affidavit.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that, if there is any unauthorised filling of the paddy land, the competent authority to deal with the matter is none other than the 1st respondent and not the 2nd respondent. In the said circumstances, the petitioner is relegated to move the 1st respondent by filing necessary petition, if any, within two weeks

and the same shall be considered and appropriate orders shall be passed in accordance with law, after affording an opportunity of hearing to the petitioner and respondents 5 & 6. It shall be done, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn