

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 5099 of 2015 (J)

PETITIONER(S) :

**V.K.SOMATHAN, AGED 55 YEARS,
S/O.KOCHUPILLAI, VATTAKKATTU HOUSE,
THALACODE P.O, MULANTHURUTHY, KANAYANNUR VILLAGE,
ERNAKULAM DISTRICT, PIN- 682 314,
REPRESENTED BY ITS CONVENOR, THALACODE-KARIKETH
PADASEKHARA SAMRAKSHANA SAMITHI, CHOTTANIKKARA
GRAMA PANCHAYATH.**

**BY ADVS.SRI.GEORGIE SIMON
SRI.N.R.RAJESH**

RESPONDENT(S) :

- 1. CHIEF SECRETARY,
KERALA STATE, GOVT. SECRETARIAT, TRIVANDRUM- 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI, ERNAKULAM- 682 001.**
- 3. DISTRICT COLLECTOR,
ERNAKULAM- 682 030.**
- 4. SECRETARY,
CHOTTANIKKARA GRAMA PANCHAYATH- 682 312.**
- 5. SONY.V.NINAN, W/O.SHAJI JOSEPH,
IRUMADAYIL VEEDU, THALACODE P.O., KANAYANNUR VILLAGE,
MULANTHURUTHY, ERNAKULAM DISTRICT, PIN- 682 314.**
- 6. BABY.K.K, AGED ABOUT 55 YEARS,
S/O.KURIAKO, KARIKKETH HOUSE, THALACODE P.O,
KANAYANNUR VILLAGE, MULANTHURUTHY,
ERNAKULAM DISTRICT, PIN- 682 314**

R1 TO R3 BY SPL.GOVERNMENT PLEADER SRI.P.K.SOYUZ (REVENUE)

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE ORDER NO.K1-8822(57)/14 K.D.S ISSUED BY
RDO FORT KOCHI, ERNAKULAM DATED 05.11.2014.**
- EXHIBIT P2: THE TRUE COPY OF THE REPRESENTATION FILED BEFORE
CHOTTANIKKARA GRAMA PANCHAYATH PRESENT/SECRETARY.**
- EXHIBIT P3: TRUE COPY OF REPRESENTATION BEFORE DISTRICT COLLECTOR
ERNAKULAM AND ACKNOWLEDGEMENT ATTACHED DATED 08.12.2014**
- EXHIBIT P4: THE PAPER PUBLICATION REGARDING EXISTENCE AND THE WORK
PROGRESS OF DRINKING WATER SCHEME PUBLISHED BY
THE CHOTTANIKKARA GRAMA PANCHAYATH IN KERALA KAUMUDI
DAILY DATED 30.01.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.M. Shaffique, J.

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W.P (C) No. 5099 of 2015

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Dated this, the 6th day of March, 2015.

J U D G M E N T

Petitioner challenges Ext. P1 stating that the District Level Authorized committee has not properly considered the claim of the 5th respondent for reclaiming an extent of 5 cents of land for constructing a building. It is alleged that the property is part of a padasekharam and respondents 5 and 6 are real estate persons who sells paddy land and get money out of it. 5th respondent has also constructed another building in which she has ownership.

2. It is admitted that Ext. P1 order is appealable under Section 9(6) of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. The petitioner submits that appeal has already been filed as Ext. P3, which is pending before the District Collector. It is submitted by the the learned Government Pleader that proper stamp has not been affixed to the appeal.

3. Having regard to the fact that appeal has already been filed, I do not think it necessary to issue notice to respondents 5 and 6. Learned standing counsel for the 4th respondent submits that the petitioner's remedy is to approach the appellate authority.

4. In the result, the writ petition is disposed of as under:

The petitioner shall cure the defects in Ext. P3 appeal in which event, the 3rd respondent shall consider Ext. P3 and pass appropriate orders within three months from the date of receipt of a copy of this judgment, after hearing all affected parties, including respondents 5 and 6.

Sd/-

A.M. Shaffique, Judge.

Tds/