

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 5102 of 2015 (K)

PETITIONER(S):

**JAYACHANDRAN, S/O.APPU NAIR,
AGED 36 YEARS, ADHOM KAVIL,
MADAKKATHARA, TRICHUR- 680 651.**

BY ADV. SRI.S.MOHAMMED AL RAFI.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DISTRICT COLLECTOR,
TRICHUR - 680 001.**
- 3. THE REVENUE DIVISIONAL OFFICER,
TRICHUR - 680 001.**
- 4. THE ADDITIONAL TAHSILDAR,
TRICHUR - 680 001.**
- 5. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, MADAKKATHARA,
TRICHUR - 680 001.**

BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 - TRUE COPY OF THE SALE DEED NO.3387/1/2003 OF OLLOOKKARA SUB REGISTRAR OFFICE DATED 27-08-2003 EXECUTED IN FAVOUR OF THE PETITIONER.
- EXT.P2 - TRUE COPY OF THE LAND TAX RECEIPT DATED 14-03-2014.
- EXT.P3 - TRUE PHOTOGRAPHS SHOWING THE NATURE OF PETITIONER'S PROPERTY.
- EXT.P4 - TRUE COPY OF THE OBJECTION DATED 18-07-2014 SUBMITTED BY THE PETITIONER.
- EXT.P5 - TRUE COPY OF THE ORDER NO.B3-34286/14 DATED 05-07-2014 ISSUED BY THE 1ST RESPONDENT.
- EXT.P6 - TRUE COPY OF THE JUDGMENT DATED 27-08-2014 IN WP(C).NO. 22476/2014.
- EXT.P7 - TRUE COPY OF THE ORDER NO.B3/34286/14 DATED 08-01-2015 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R.RAMACHANDRA MENON, J.
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W.P.(C) No.5102 of 2015
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Dated this the 18th day of February, 2015

JUDGMENT

The grievance of the petitioner is mainly with regard to the direction given by the 2nd respondent as per Ext.P7 order dated 08.01.2015 whereby the property concerned has been ordered to be restored in terms of Section 13 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

2. The sequence of the events narrated in the petition shows that the petitioner had approached this Court by filing W.P.(C) No.22476 of 2014, which was disposed of as per Ext.P6 judgment dated 27.08.2014. It was pursuant to the direction therein, that the matter was considered by the 2nd respondent who passed Ext.P7 order.

3. Heard the learned Government Pleader as well.

4. The petitioner is having an effective alternative remedy by way of 'revision', as envisaged under Section 28 of Kerala Conservation of Paddy Land and Wet Land Act, 2008,

if aggrieved of Ext.P7.

5. In the said circumstance, the petitioner is relegated to move the 1st respondent by filing a revision petition under Section 28 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 within 'two weeks' from the date of receipt of a copy of this judgment. On such event, the same shall be considered by the 1st respondent and appropriate orders shall be passed 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 the revision petition. 'Status quo' will continue till such time.

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

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv