

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 5769 of 2015 (U)

PETITIONER:

**SURESH K. THOMAS, AGED 37 YEARS,
S/O.THOMAS, KUNNEL HOUSE, C.K.SREEDHARAN ROAD,
DESHABHIMANI JUNCTION, PALLURUTHI, KOCHI - 6.**

BY ADV. SRI.N.K.MOHANLAL

RESPONDENT(S) :

- 1. REVENUE DIVISIONAL OFFICER,
FORT KOCHI - 682 001.**
- 2. LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY CONVENER, AGRICULTURAL FIELD OFFICER,
KRISHI BHAVAN, COCHIN CORPORATION, VYTTLA,
KOCHI - 19.**

***ADDL.R3 IMPEADED**

***ADDL.R3: DISTRICT LEVEL AUTHORISED COMMITTEE,
REPRESENTED BY CHAIRMAN, FORT KOCHI.**

***ADDL.R3 IS IMPEADED AS PER ORDER DATED 05-03-2015 IN
IA.NO.3202/2015**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

EXT.P1: A TRUE COPY OF THE APPLICATION ALLOWING RECLAMATION AND RECOMMENDATION OF 2ND RESPONDENT.

EXT.P2: A TRUE COPY OF THE PROCEEDINGS OF 2ND RESPONDENT DATED 30/12/2014.

**EXT.P3: A SEPARATE ORDER OF 2ND RESPONDENT DATED 17.11.2014
DECIDED TO RECOMMEND RECLAMATION OF 5.000 CENTS TO
DISTRICT LEVEL MONITORING COMMITTEE.**

**EXT.P4: A TRUE COPY OF ELIGIBILITY CERTIFICATE FOR RECLAMATION
ISSUED BY AGRICULTURAL FIELD OFFICER, KRISHI BHAVAN, VYTTLA.**

/TRUE COPY/

P.S.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.5769 OF 2015
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Dated this the 5th March,

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus or any other order directing the 1st respondent to pass appropriate orders granting permit to petitioner for reclaiming his land having an extent of 5.000 cents in Sy.No.37/1 of Edakochi Village as recommended by 2nd respondent vide Ext.P3;

AND

ii) issue such other appropriate writ or order which is deemed just and necessary on the facts and circumstances of the case .

2. The case of the petitioner is that with intent to construct a residential building in his property, the petitioner submitted an application before the second respondent/Local Level Monitoring Committee for recommendation to reclaim the land to such extent for construction, to be forwarded to the first respondent/RDO, the chairman of the District Level Authorised

Committee . Though the second respondent recommended for reclamation, there is callous inaction on the part of the first respondent/RDO in taking a decision by the District Level Authorised Committee on the issue.

3. When the matter came up for consideration on 24.02.2015, it was brought to the notice of this Court by the learned Government Pleader that District Level Authorised Committee was not in the party array and petitioner was granted time to implead the District Level Authorised Committee, who is the competent authority to consider the matter. Accordingly I.A. No.3202 of 2015 has been filed, which stands allowed.

4. Considering the facts and circumstances, the second respondent/Local Level Monitoring Committee is directed to forward the remarks/recommendation to the Addl.Third respondent/District Level Authorised Committee within one month from the date of receipt of a copy of the judgment. On receipt of the remarks/recommendation, the additional third respondent/District Level Authorised Committee shall consider and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner at the

earliest, at any rate within one month thereafter.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the Addl. Third respondent/ District Level Authorised Committee for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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