

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 5809 of 2015 (A)

PETITIONER:

**MONIKANDAN P.K, S/O. KUTTAN,
AGED 34 YEARS, PANNIKKATTIL HOSUE,
ARANGOTTUKARA P.O.,
THIRUMUTTAKKODE VILLAGE, OTTAPPALAM TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S):

- 1. THE DISTRICT LEVEL AUTHORIZED COMMITTEE,
REPRESENTED BY ITS CONVENER AND
PRINCIPAL AGRICULTURAL OFFICER,
OFFICE OF THE PRINCIPAL AGRICULTURAL OFFICER,
THRISSUR - 680 003.**
- 2. LOCAL LEVEL MONITORING COMMITTEE OF
DESAMANGALAM GRAMA PANCHAYATH,
REPRESENTED BY ITS CONVENER AND
AGRICULTURAL OFFICER, KRISHI BHAVAN,
DESAMANAGALA P.O., THRISSUR DISTRICT - 679 532.**
- 3. VILLAGE OFFICER (MEMBER LOCAL LEVEL MONITORING
COMMITTEE OF DESAMANGALAM PANCHAYATH)
PALLUR GROUP VILLAGE, PALLUR P.O., THRISSUR DT. - 679 532.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 5809 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF REGISTERED DOCUMENT NO. 3570/11 DATED 27.8.2011 OF SRO WADAKANCHERY.**
- P2 - TRUE COPY OF THE CERTIFICATE ISSUED BY THE 3RD RESPONDENT DATED 19.1.2015.**
- P3 - TRUE COPY OF THE APPLICATION FOR RECOMMENDATION FOR RESIDENTIAL BUILDING PERMIT DATED 31.12.14 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.**
- P4 - TRUE COPY OF THE APPLICATION FORM UNDER RULE 5 DATED 29.1.2015 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 5809 of 2015

Dated this the 24th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus directing the 2nd respondent to consider Ext.P3 and P4 applications submitted by the petitioner under Section 5(3) (i) of the Kerala Conservation of Paddy and Wet Land Act 2008 and submit a recommendation to the 1st respondent in order to enable the petitioner to construct a residential building in the Ext.P1 property owned by him.

ii. Issue a writ of mandamus directing the 1st respondent to finalize the proceedings immediately on receipt of the recommendations from the 2nd respondent on Ext.P3 and P4 applications, within a time limit.

iii. Issue such other relief this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

The learned counsel for the petitioner submits that the limited relief now pressed before this Court is to cause Exts. P3 and P4 applications to be considered and finalized within a reasonable time by the concerned respondent so as to enable the petitioner to construct a residential building in the concerned property covered by Ext.P1.

2. Heard the learned Government Pleader as well who submits that, after inspection and verification by the 2nd respondent the matter has to be forwarded to the 1st respondent so as to finalize the matter.

3. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to conduct necessary inspection with notice to the petitioner and the report along with the applications and necessary recommendation/remarks shall be forwarded to the 1st respondent at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment. The 1st respondent shall pass appropriate orders on the applications in accordance with law, after giving an opportunity of hearing to the petitioner at the earliest, at any rate, within 'one month' thereafter.

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

**P.R. RAMACHANDRA MENON,
JUDGE.**