

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. 5813 of 2015 (B)

PETITIONER :

**MONI, W/O. CHAMI,AGED 49 YEARS,
KURUVALIKUNNU HOUSE, PALLOM P.O.,
DESAMANGALAM VILLAGE, THRISSUR DISTRICT.**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S):

- 1. DISTRICT LEVEL AUTHORIZED COMMITTEE,
REPRESENTED BY ITS CONVENER AND
PRINCIPAL AGRICULTURAL OFFICER,
OFFICE OF THE PRINCIPAL AGRICULTURAL OFFICER,
THRISUR - 680 003.**
- 2. LOCAL LEVEL MONITORING COMMITTEE OF DESAMANGALAM
GRAMA PANCHAYATH,
REPRESENTED BY ITS CONVENER AND AGRICULTURAL OFFICER,
KRISHI BHAVAN, DESAMANGALA 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.**

R1 TO R3 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:**

sts

WP(C).No. 5813 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - COPY OF REGISTERED DOCUMENT NO. 3569/2011 DT. 27.8.11 OF SRO WADAKACHERY.**
- P2 - COPY OF THE CERTIFICATE ISSUED BY THE 3RD RESPONDENT DT. 19.1.15.**
- P3 - COPY OF THE APPLICATION FOR RECOMMENDATION FOR RESIDENTIAL BUILDING PERMIT DT. 31.12.14 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.**
- P4 - COPY OF THE APPLICATION FORM UNDER RULE 5 DT. 29.1.15 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 5813 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. The report, along with the applications and the recommendation, if any, 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.

**Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.**