

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 6535 of 2015 ()

PETITIONER :

**SHERINE K. HYDRU, AGED 30 YEARS,
W/O.MANZUR, KAIPADATHU HOUSE, VAIKKATHOOR,
VALANCHERRY P.O., MALAPPURAM DISTRICT, PIN - 676 552.**

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENTS:-

- 1. LOCAL LEVEL MONITORING COMMITTEE,
(CONSTITUTED UNDER KERALA CONSERVATION OF PADDY
LAND AND WETLAND ACT, 2008),
VALANCHERRY GRAMA PANCHAYAT, P.O.VALANCHERRY,
MALAPPURAM DISTRICT, PIN - 676 552,
REP. BY ITS CHAIRMAN.**
- 2. DISTRICT LEVEL AUTHORISED COMMITTEE,
(CONSTITUTED UNDER KERALA CONSERVATION OF PADDY
LAND AND WETLAND ACT, 2008),
MALAPPURAM DISTRICT, PIN - 676 505
REP. BY ITS CONVENER.**

R1 & R2 BY GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 6535 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF BASIC TAX RECEIPT NO.8214477 DATED 01.08.2014 ISSUED BY THE VILLAGE OFFICER, KATTIPPARUTHY TO THE PETITIONER.
- EXHIBIT P2. TRUE COPY OF POSSESSION CERTIFICATED DATED 25.08.2014 ISSUED BY THE VILLAGE OFFICER, KATTIPPARUTHY TO THE PETITIONER.
- EXHIBIT P3. TRUE COPY OF LOCATION SKETCH DATED 26.11.2014, ISSUED BY THE VILLAGE OFFICER, KATTIPPURAM REGARDING THE PROPERTY OF THE PETITIONER.
- EXHIBIT P4. TRUE COPY OF THE COMMUNICATION DATED 05.11.2014, ISSUED BY THE SECRETARY, VALANCHERY GRAMA PANCHAYAT TO THE PETITIONER.
- EXHIBIT P5. TRUE COPY OF THE APPLICATION DATED 27.11.2014, FOR RECLAMATION OF LAND FOR THE PURPOSE OF CONSTRUCTION OF RESIDENTIAL BUILDING SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P6. TRUE COPY OF THE CONSENT LETTERS DATED 27.11.2014 FROM THE OWNERS OF THE NEIGHBOURING PROPERTIES SUBMITTED BY THE PETITIONER ALONG WITH EXT.P7 APPLICATION.
- EXHIBIT P7. TRUE COPY OF THE AFFIDAVIT DATED 27.11.2014 SUBMITTED BY THE PETITIONER ALONG WITH EXT.P7 APPLICATION.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.6535 of 2015

Dated this the 2nd day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other writ order or direction commanding the 1st respondent to conduct an enquiry as provided under Rule 5(2) of the Kerala Conservation of Paddy and Wet land Rules, 2008 regarding Ext.P5 application submitted by the petitioner affording an opportunity of hearing to the petitioner and forward its recommendations to the 2nd respondent forthwith;

ii. Issue a writ of mandamus or any other writ order or direction commanding the 2nd respondent to take a decision on the recommendations submitted by the 1st respondent regarding Ext.P5 application submitted by the petitioner affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of the recommendations from the 1st respondent; and communicate the same to the petitioner forthwith;

iii. Issue such other appropriate writ, order or direction which this Hon'ble Court may deem fit in the circumstances of the case; and

iv. Award costs of these proceedings to the petitioner."

2. The case of the petitioner is that, the petitioner is the owner of property having an extent of 4.86 Ares in Sy. No.26/1 of Kattipparuthy Village in Tirur Taluk, Malappuram District,

which is being enjoyed as borne by Exts.P1 to P3. It is stated that, there is no other property for the petitioner to construct a residential building. The said property has been described as a 'paddy land', though substantial variation has been effected, having reclaimed the property years ago. However, permission of the authorities concerned is necessary and it is in the said circumstances, that the petitioner has filed Ext.P5 application for completing the reclamation for constructing the residential building and the same is pending consideration before the first respondent. The prayer is to cause the same to be considered by the competent authority at the earliest.

3. Heard the learned Special Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the first respondent to conduct a spot inspection with notice to the petitioner and forward the remarks/recommendation to the second respondent within 'one month' from the date of receipt of a copy of this judgment. On receipt of the proceedings as above, the matter shall be considered and appropriate orders shall be passed in accordance with law by the second respondent, after hearing the petitioner, at the earliest, at any rate, within

'one month' from the date of receipt of the proceedings as above.

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

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

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