

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 7044 of 2014 (E)

PETITIONER(S) :

SAIDALAVI,
S/O. ALI, KOLIPURATH HOUSE, ANANTHAYUR DESOM,
KARUMAKKAD AMSOM, ERANAD TALUK, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.S.RAMACHANDRAN PILLAI
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENT(S) :

1. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT-676 505.
2. THE VILLAGE OFFICER,
VAZHAKKAD VILLAGE, MALAPPURAM DISTRICT-676 505.
3. THE SECRETARY,
VAZHAKKAD GRAMA PANCHAYATH, VAZHAKKAD,
MALAPPURAM DISTRICT-673 640.
4. A.T.MOHAMMED,
S/O.AHMED, EDATHODI, ANANTHAYUR P.O,
MALAPPURAM, PIN-676 301.

* ADDITIONAL R5 IMPEADED

5. DISTRICT COLLECTOR, MALAPPURAM.

* ADDITIONAL R5 IS SUO MOTU IMPEADED AS PER JUDGMENT DATED 26.02.2015.

ADDITIONAL R6 IMPEADED

6. THE REVENUE DIVISIONAL OFFICER,
TIRUR, MALAPPURAM DISTRICT.

ADDITIONAL R6 IS IMPEADED AS PER ORDER DATED 26.02.2015 IN
I.A.NO.700 OF 2015.

R1, R2, R5 & R6 BY GOVERNMENT PLEADER SRI.M.MOHAMMED SHAFI
R3 BY ADV. SRI.M.A.FAYAZ
R4 BY ADV. SRI.JAMSHEED HAFIZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF THE PETITION DATED 06/06/2013 SUBMITTED TO THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA BY THE PETITIONER.
- EXHIBIT P2:** TRUE COPY OF THE PETITION DATED 24.09.2013 BY THE PETITIONER SUBMITTED TO THE R.D.O, PERINTHALMANNA AND THE ORDER ISSUED TO THE VILLAGE OFFICER, VAZHAKKAD ON THE PETITION ON THE SAME DAY.
- EXHIBIT P3:** TRUE COPY OF THE POSTAL RECEIPT RECEIVED FOR SENTING THE EXT-P2 PETITION TO THE VILLAGE OFFICER, VAZHAKKAD.
- EXHIBIT P4:** TRUE COPY OF THE PETITION DATED 13/12/2013 SENT BY THE PETITIONER TO THE R.D.O, PETINTHALMANNA.
- EXHIBIT P5 SERIES:** TRUE PHOTOGRAPHS OF THE CONVERTED PADDY LAND OF THE 4TH RESPONDENT.
- EXHIBIT P6:** TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER, VAZHAKKAD DATED 25.08.2014.
- EXHIBIT P7:** TRUE COPY OF THE NOTICE BY THE AGRICULTURAL OFFICER, VAZHAKKAD DATED 28.08.2014 ISSUED TO THE 4TH RESPONDENT.
- EXHIBIT P7(A):** TRUE COPY OF LETTER ISSUED TO K.T.KUHIKOYA.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R4(A):** A TRUE COPY OF THE DATA BANK EXTRACT OF THE LAND IN POSSESSION OF THE PETITIONER IN R.S 131/13 OF VAZHAKKAD VILLAGE.
- EXHIBIT R4(B):** A TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER DATED 16.04.2014.
- EXHIBIT R4(C):** A TRUE COPY OF THE PLAINT IN O.S.188/2013 BEFORE THE MUNSIF COURT, MANJERY DATED 11.03.2013.

//TRUE COPY//

P.S.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.7044 OF 2014
.....

Dated this the 26th February, 2015

J U D G M E N T

Grievance is mainly with regard to the illegal conversion of paddy field by the 4th respondent/A.T. Mohammed. The physical nature of the property is sought to be rebutted by the 4th respondent by filing a counter affidavit producing copies of the relevant documents as Exts.R4(a) to R4 (c).

2. The learned Counsel for the 4th respondent submits that the property of the 4th respondent is actually not a paddy land or wet land coming within the purview of Act 28 of 2008 as disclosed from Exts. R4(a) Data Bank Register. The Second respondent/Village Officer has also submitted a report as borne by Ext.R4(b). The 4th respondent also attributes malafides on the part of the petitioner in having approached this Court and it is contended that the actual motive behind filing this writ petition is with regard to the denial of the right of way claimed through the property of the petitioner.

3. The above version is sought to be rebutted by the learned Counsel for the petitioner, saying that the issue involved

in the present case is mainly with regard to the illegal conversion of the land in question. The learned Counsel also points out that the illegal conversion of paddy fields was brought to the notice of the first respondent, but no action has been taken so far and hence this writ petition.

4. Heard the learned Government Pleader as well.

5. After hearing both the sides, this Court finds that, if at all there is any illegal conversion of paddy land, the competent authority to deal with the matter is none other than the District Collector, who has not been impleaded in the party array. Hence, the District Collector, Malappuram is suo motu impleaded as the additional fifth respondent and the learned Government Pleader enters appearance for the said respondent as well. There will be a direction to the first respondent/RDO to forward all the proceedings pending before him, if they are actually pending, to the Addl. 5th respondent/District Collector forthwith. It is open for the petitioner to supplement the same by filing an exhaustive representation before the Addl.5th respondent, if at all any subsisting grievance is there, within two weeks from the date of receipt of a copy of the judgment, upon which the same shall

be considered, taking note of all the relevant facts and circumstances after affording an opportunity of hearing to the petitioner, the third respondent/Panchayat and also 4th respondent. The proceedings as above shall be finalised at the earliest, at any rate within 'six weeks' thereafter. The parties are free to file necessary I.A. if any, before the Addl. 5th respondent, if at all any interim relief is to be obtained.

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. 5th respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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