

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 10995 of 2012 (Y)

PETITIONER(S):

- 1. AJITHA RAMACHANDRAN, AGED 27 YEARS,
WIFE OF RAMACHANDRAN E.K., ELANTHOLY HOUSE,
MANTHODUPURAM, IRINJALAKUDA, THRISSUR DISTRICT.**
- 2. ANITHA K.G.
W/O.SUNIL K.K., UDAYA NAGAR, AYYANTHOLE P.O.
THRISSUR DISTRICT.**

BY ADV. SRI.S.RAMESH BABU

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM-695001.**
- 2. THE VILLAGE OFFICER,
INCHAMUDI VILLAGE, VILLAGE OFFICE, INCHAMUDI VILLAGE,
IRINJALAKUDA, THRISSUR DISTRICT-680004.**

BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT-P1. TRUE COPY OF THE SKETCH OF THE PROPERTY DATED 25.10.2000.**
- EXHIBIT-P2. TRUE COPY OF THE CERTIFICATE DATED 10.04.2012 ISSUED BY THE DEPUTY DIRECTOR OF FISHERIES, THRISSUR.**
- EXHIBIT-P3. TRUE COPY OF THE IMPUGNED ORDER DATED 21.4.2012 ISSUED BY VILLAGE OFFICER, INCHAMUDY VILLAGE.**
- EXHIBIT-P4. TRUE COY OF THE REPLY FILED BY THE PETITIONER DATED 23.4.2012.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No. 10995 of 2012

Dated this the 10th day of August, 2015

J U D G M E N T

The petitioners are concerned with 435 cents of land in survey No.366/1 in Inchamudi Village Irinjalakuda Taluk, Thrissur District. The sketch of which is produced at Ext.P1. The petitioner is concerned with the northern most portion of Survey No.366/1 as indicated in the sketch. The petitioner challenges Ext.P3 order of the Village Officer which interdicted the activities carried on in the land, which according to the Village Officer was in violation of the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (hereinafter referred to as the 'Paddy Land Act').

2. Section 11 of the Paddy Land Act, specifically requires that all wet lands shall be maintained as such and there shall be a total prohibition on reclamation of such wet land and removal of sand thereon. The proviso also indicates that the removal of slurry and mud to maintain the ecological condition of

such wet land shall however be permitted. The petitioner's specific contention is that the petitioner is carrying on pisciculture in the said land. Ext.P2 also indicates that the petitioner has applied before the Deputy Director of Fisheries and obtained a certificate that the wet land is suitable for being utilized for aquaculture. In such circumstance, Ext.P3 shall be set aside. However it shall be ensured that the petitioner does not convert the wet land and reclaim it in any manner.

With the above direction, writ petition would stand allowed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge

The words “northern most portion” occurring in the 3rd sentence of paragraph 1 of the judgment dated 10.08.2015 in W.P.(C) No.10995/2012 are corrected and substituted as “southern most portion” as per order dated 12.10.2015 in I.A 14090/2015 in W.P(C) No.10995/2012.

Sd/-

Registrar (Judicial)