

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 9791 of 2015 (Y)

PETITIONER(S):

**JOHN V.AUGUSTINE, AGED 65 YEARS,
S/O.K.M.AUGUSTINE, R/AT VELLOPPILLIL HOUSE,
RAMAPURAM VILLAGE, MEENACHIL, KOTTAYAM.**

BY ADV. SRI.M.NARENDRA KUMAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 003.**
- 2. DISTRICT COLLECTOR,
KOTTAYAM, PIN-686 001.**
- 3. REVENUE DIVISIONAL OFFICER,
PALA, PIN-686 575.**
- 4. ARUN THOMAS,
S/O THOMAS, RESIDING AT KOLATH HOUSE,
RAMAPURAM BAZAR P.O., PALA, PIN-686 575.**

**R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R4 BY ADV. SRI.P.S.GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9791 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 THE TRUE COPY OF THE ORDER NO.A 1544/2011 DATED 30/9/2011.

EXT.P2 THE TRUE COPY OF THE JUDGMENT DATED 27/6/2013 IN W.P(C)29626/2011.

EXT.P3 THE TRUE COPY OF THE COMPLAINT DATED 14/2/2015 SUBMITTED BY THE PETITIONER.

EXT.P3(a) THE TRUE COPY OF THE 'ACKNOWLEDGMENT RECEIPT OF PETITION' DATED 14/2/2015.

EXT.P4 THE TRUE COPY OF THE REPORT DATED 19/2/2015 FROM THE STATE PUBLIC INFORMATION OFFICER, RAMAPURAM UNDER THE RIGHT TO INFORMATION ACT.

EXT.P5 THE PHOTOGRAPHS SHOWING THE STACKING OF EARTH.

EXT.P5(A) THE PHOTOGRAPHS SHOWING THE STACKING OF EARTH.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 9791 of 2015

~~~~~

Dated, this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (i) Issue a writ of mandamus or other appropriate writ, order or direction commanding the respondents 2 and 3 to take appropriate action under Act 28/2008 against the 4th respondent for illegal reclamation of 1.50 Acres of Paddy Lank in Re-Sy No. 240/4 of Ramapuram village.
- (ii) Issue a writ of prohibition or other writ, order or direction interdicting the 4th respondent from bringing earth to the paddy land having an extent of 1.50 Acres in Sy. No. 240/4 of Ramapuram Village.
- (iii) Grant such other reliefs which this Honourable Court deems fit and necessary in the facts and circumstances of the case.
- (iv) Allow costs of the petitioner.

2. Heard the learned counsel for the petitioner, who sought to project the alleged unauthorised reclamation of paddy land by the 4th respondent.

3. The learned Government Pleader submits, on instructions, that property concerned herein is not a paddy land nor has it been included in the data bank register. It is stated that some ordinary earth has been collected and stored in the premises with the consent of the landlord in connection with the construction of Government Hospital in the nearby property. The learned Government Pleader points out that the property concerned is a rubber plantation; that trees have been recently cut and removed and that the property has been shown as 'purayidam' in the Basic Tax Register.

3. After hearing both the sides, this Court finds that the idea and understanding of the petitioner is quite wrong and misconceived. Interference is declined and the writ petition is dismissed.

Sd/-

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

kmd