

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 9978 of 2015 (V)

PETITIONER(S):

**UNNIKRISHNAN, AGED 44 YEARS,
S/O.RAMANKUTTY EZHUTHACHAN,
RESIDING AT VILLATH HOUSE, POST EZHUVANTHALA,
VIA.NELLYA, PALAKKAD DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT ,
THIRUVANANTHAPURAM-695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
OTTAPPALAM, REVENUE DIVISIONAL OFFICE,
OTTAPPALAM - 679 101.**
- 3. THE AGRICULTURAL OFFICER,
NELLYA AGRICULTURAL OFFICE, POST NELLYA,
PALAKKAD DISTRICT - 679 335.**
- 4. THE VILLAGE OFFICER,
NELLYA VILLAGE OFFICE, POST NELLYA,
PALAKKAD DISTRICT - 679 335.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9978 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - THE TRUE COPY OF THE DOCUMENT NO.5013/12 DATED 22.09.12 OF SRO
CHERPULASSERY.**

**EXT.P2 - THE TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY NELLAYA VILLAGE
OFFICE DATED 20-02-2015.**

**EXT.P3 - THE TRUE COPY OF THE ORDER ISSUED BY THE 4TH RESPONDENT
DATED 25-02-2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9978 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner obtained the property having an extent of 8 cents in Survey No.28/12A of Nellaya Village of Ottappalam Taluk as per Ext.P1 Sale Deed dated 22.09.2012 of the SRO, Cherpulassery. The petitioner is enjoying the said property, also remitting tax as borne by Ext.P3. Since the petitioner does not have any other property and since the property is described as 'paddy land', it became necessary to obtain sanction from the concerned authorities for constructing a residential building in the said property. It was accordingly, that the petitioner approached the Local Level Monitoring Committee by filing necessary application in this regard. The matter is pending consideration before the said authority. In the meanwhile, Ext.P3 order was issued by the village Officer, to restore the property to the original position alerting the petitioner as to the probable steps to

be pursued for prosecution or violation, if any. This made the petitioner to approach this Court by filing the writ petition.

2. Heard the learned Government Pleader as well, who submits that the property was already included as 'paddy land' in the Data Bank Register and it was the said property, which was purchased by the petitioner knowingly that it was a 'paddy land'. The property has been described in the document also, as a 'paddy land' and this being the position, the petitioner ought not to have pursued any activity contrary to the scheme of the statute by effecting reclamation, which hence was sought to be intercepted by the Village Officer vide Ext.P3.

3. Considering the facts and circumstances, this Court finds that the 'stop memo' issued by the Village Officer is not liable to be intercepted. The writ petition fails and the same is dismissed accordingly.

However, if at all any reclamation has been effected by the petitioner and if restoration is to be made, it will be open for the competent authority under Act 28 of 2008 to issue necessary proceedings to the petitioner and finalise the same in accordance with law and it will not prejudice the rights and liberties of the

petitioner to pursue other appropriate remedy before the competent authority for redressal of the grievance, if any, in accordance with the relevant provisions of law.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp