

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937**

**WP(C).No. 20276 of 2006 (L)**  
-----

**PETITIONER:**  
-----

**BABYKUTTY.Y., S/O.I.YOHANNAN,  
AGED 55, RESIDING AT PARAPPALLIL ROAD  
THIRUVANKULAM POST, ERNAKULAM, KOCHI-682 305.**

**BY SRI.S.V.BALAKRISHNA IYER (SENIOR ADVOCATE)  
ADVS. SRI.K.JAYAKUMAR  
SRI.P.B.KRISHNAN**

**RESPONDENT(S):**  
-----

- 1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY,  
DEPT. OF AGRICULTURE, GOVT.SECRETARIAT,  
THIRUVANANTHAPURAM.**
- 2. THE COMMISSIONER FOR LAND REVENUE,  
THIRUVANANTHAPURAM.**
- 3. THE DISTRICT COLLECTOR, ERNAKULAM.**
- 4. THE REVENUE DIVISIONAL OFFICER,  
FORT KOCHI.**
- 5. THE TAHSILDAR,  
KANAYANNUR TALUK OFFICE, ERNAKULAM.**
- 6. THE VILLAGE OFFICER, THIRUVANKULAM.**
- 7. THE SECRETARY,  
THIRUVANKULAM GRAMA PANCHAYATH,  
THIRUVANKULAM.**
- 8. SAJI K. AVARACHAN, S/O.AVARACHAN,  
KUTTIKKATTU PLAKKATTU HOUSE,  
THIRUVANKULAM POST, ERNAKULAM,  
KOCHI-682 305.**

WP(C).No. 20276 of 2006 (L)  
-----

9. P.C. CHERIAN, S/O. CHUMMAR,  
PALIKKOTTIL HOUSE, MARADU POST,  
ERNAKULAM DISTRICT

\*ADDL. R10 IMPEADED

10. ANIL SREEDHAR, SON OF SREEDHARAN NAIR,  
AGED 41, AMBADI HOUSE, ULLAS NAGAR, 45 A,  
ILIPODU, THIRUMALA DESOM, THIRUMALA VILLAGE,  
THIRUVANANTHAPURAM TALUK,  
REPRESENTED BY HIS FATHER AND POWER OF  
ATTORNEY HOLDER SREEDHARAN NAIR,  
SON OF PADMANABHA PILLAI, SANTHAM, T.C. 16/87  
(HOUSE NO.311) NEAR ALL INDIA RADIO, THYCADU,  
THIRUVANANTHAPURAM.

ADDL. R10 IS IMPEADED AS PER ORDER DATED 16/06/2011  
IN IA 9138/2011.

\*ADDL. R11 IMPEADED

11. MRS.LEELA KRISHNADAS, WIFE OF LATE KRISHNADAS,  
AGED 71, RESIDING AT VRINDAVAN, PATHIRAPALLY LANE,  
POOJAPURA.P.O., THIRUVANANTHAPURAM, PIN : 695 012.

ADDL. R11 IS IMPEADED AS PER ORDER DATED 16/06/2011  
IN IA 9137/2011.

\*ADDL. R12 & R3 IMPEADED

12. SEAJO JOSEPH, PARACKA,  
THIRUVANKULAM.P.O., ERNAKULAM.
13. JAYAKUMAR, SREEVALSAM HOUSE, PAMPADUMPARA VILLAGE,  
UDUMBANCHOLA, IDUKKI.

ADDL. R12 & R13 ARE IMPEADED AS PER ORDER DATED 18/07/2011  
IN IA 11341/2011.

\*ADDL. R14 TO R19 IMPEADED

14. SUMA JACOB, D/O.C.C.THOMAS, 4D, PINEWOOD APPARTMENT,  
SKYLINE CITY PARK, JAWAHAR NAGAR, KADAVANTHRA  
KERALA - 682 020.
15. THOMAS JACOB, S/O.C.C.THOMAS, 4D, PINEWOOD APPARTMENT,  
SKYLINE CITY PARK, JAWAHAR NAGAR, KADAVANTHRA,  
KERALA - 682 020.
16. JACOB NAFTHALI, S/O.LATE T.J.NAFTHALI,  
HOUSE NO.28/2770, YAHVERJIRA, PONNETH TEMPLE ROAD,  
KADAVANTHRA, KERALA - 682 020.

WP(C).No. 20276 of 2006 (L)  
-----

17. JACOB SAYORISH, S/O.K.K.THOMAS,  
KALLINKATHARA, MARADU.P.O., KERALA - 682 304.

18. PRADEEP.M.P., S/O.PURUSHOTHAMAN,  
DOOR NO.43/1200, KALAZTH,PACHALAM,  
ERNAKULAM, KERALA -682 012.

19. K.H.SATEESH, S/O.KARUNAKARAN NAIR,  
KARTHIKA, CHONKODY.P.O.-629 177.

ADDL. R14 TO R19 ARE IMPEADED AS PER ORDER  
DATED 15/10/2012 IN IA 13778/2012.

R1 TO R6 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN  
R7 BY ADV. SRI.BOBBYMATHEW KOOTHATTUKULAM  
R9 BY ADVS. SRI.T.K.RADHAKRISHNAN

SMT.K.L.SREEDEVI

R10 & R11 BY ADV. SRI.T.B.THANKAPPAN

SRI.T.T.HARIKUMAR

SRI.SIBY MATHEW

SRI.PHILIP J.VETTICKATTU

SRI.B.PREMNATH (E)

ADDL R12 BY ADVS. SRI.R.RAJESH

SRI.M.JITHESH MENON

ADDL. R14 & R15 BY ADV. SRI.P.B.ASOKAN

SRI.GEORGE C.VARGHESE

SRI.P.B.AJOY

SRI.S.SREEKUMAR (ADUKKATH)

SRI.P.J.UNNIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

mbr/

**APPENDIX**

**PETITIONERS' EXHIBITS:**

- EXT. P1 : DATED 5.2.2002 TRUE COPY OF THE GOVERNMENT ORDER  
G.O.(RT) NO.157/2002/AD.
- EXT. P2 : TRUE COPY OF THE STUDY REPORT PREPARED BY THE KERALA  
AGRICULTURAL UNIVERSITY, THRISSUR.
- EXT. P3 : DATED 10.3.2005 TRUE COPY OF THE COMPLAINT SUBMITTED BY THE  
PETITIONER BEFORE RESPONDENT NO.6.
- EXT. P4 : DATED 23.4.2005 TRUE COPY OF THE COMPLAINT FILED BEFORE  
RESPONDENT NO.7.
- EXT. P5 : DATED 16.6.2005 TRUE COPY OF THE COMPLAINT SUBMITTED  
BEFORE RESPONDENT NO.1.
- EXT. P6 : DATED 9.1.2006 TRUE COPY OF THE PETITION SUBMITTED BEFORE  
RESPONDENT NO.5.
- EXT. P7 : DATED 23.1.2006 TRUE COPY OF THE PETITION SUBMITTED BEFORE  
RESPONDENT NO.4.
- EXT. P8 : DATED 4.1.2006 TRUE COPY OF THE NOTICE ADDRESSED TO  
RESPONDENT NO.6.
- EXT. P9 : DATED 9.1.2006 TRUE COPY OF THE NOTICE ADDRESSED TO  
RESPONDENT NO.4.
- EXT. P10 : DATED 9.1.2006 TRUE COPY OF THE NOTICE ADDRESSED TO  
RESPONDENT NO.3.
- EXT. P11 : DATED 9.1.2006 TRUE COPY OF THE NOTICE ADDRESSED TO  
RESPONDENT NO.5.

**RESPONDENTS' EXHIBITS:**

- EXT. R10(A) : TRUE COPY OF SALE DEED NO.2955 OF 2006 THAT RELATES  
TO 10.230 CENTS OF PROPERTY. DATED 3.7.2006.
- EXT. R10(B) : TRUE COPY OF SALE DEED NO.1974 OF 2006 THAT RELATES  
TO 9.887 CENTS OF PROPERTY. DATED 3.5.2006.
- EXT. R11(A) : TRUE COPY OF SALE DEED NO.2024/06 EXECUTED BY  
RESPONDENTS 8 AND 9 INFAVOUR OF SMT.LEELA  
KRISHNADAS DATED 4.5.2006.

WP(C).No. 20276 of 2006 (L)

-----

EXT. R11(B) : TRUE COPY OF BASIC TAX RECEIPT NO.3543803  
EVIDENCING THE PAYMENT OF TAX OF THE  
THIRUVANKULAM VILLAGE IN RESPECT OF THE PROPERTY  
PURCHASED BY SMT.LEELA KRISHNADAS DATED 10.7.2007.

EXT. R12(A) : A TRUE COPY OF THE SALE DEED NO.1489/2006 OF SRO  
THRIPUNITHURA.

//TRUE COPY//

P.S. TO JUDGE

mbr/

**A.MUHAMED MUSTAQUE, J.**

-----  
**W.P(C).No. 20276 of 2006**  
-----

**Dated this the 15<sup>th</sup> October, 2015**

**JUDGMENT**

This Writ Petition is filed in the year 2006 alleging reclamation of paddy land in violation of the Kerala Land Utilisation Order. The land in question is situated in Sy.Nos.421/24, 32 and 420/3 of Thiruvankulam Village in Kanayannur Taluk.

This Court is of the view that since the law has now changed in relation to paddy land, the petitioner is free to bring it to the notice of the revenue authorities regarding any conversion or reclamation in violation of the Kerala Conservation of Paddy Land and Wetland Act, 2008 (Act 28 of 2008) or in violation of the Kerala Land Utilisation Order. If the petitioner makes such application before the third respondent District Collector, the same shall be considered by the District Collector in accordance with law.

With the liberty as stated above, the writ Petition is disposed of.

**A.MUHAMED MUSTAQUE  
JUDGE**

vgs17/10/15