

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. 10839 of 2015 (D)

PETITIONERS :

1. AFSAL, AGED 31,
S/O.ABDUL RAHIMAN,
MOOKKADA (H), MUDICKAL POST
PERUMBAVOOR
2. HYDER BABU M.A., AGED 30,
S/O.ABDUL RAHIMAN, MOOKKADA (H),
MUDICKAL POST, PERUMBAVOOR
3. MOIDEEN SALIM, AGED 30,
S/O. SALIM, MOOKKADA (H), MUDICKAL POST
PERUMBAVOOR

**BY ADVS.SRI.PRAVEEN K. JOY
SRI.TA.JOY**

RESPONDENTS :

1. STATE OF KERALA
REP. BY SECRETARY TO GOVERNMENT
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT
TRIVANDRUM-695001.
2. THE DISTRICT COLLECTOR
ERNAKULAM-682030
3. REVENUE DIVISIONAL OFFICER
MUVATTUPUZHA, ERNAKULAM.
4. THE LOCAL LEVEL MONITORING COMMITTEE
MARAMPILLY, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT-683547.
5. THE AGRICULTURAL OFFICER
AGRICULTURAL DEPARTMENT
COLLECTORATE, KAKKANAD
ERNAKULAM DISTRICT – 682 030.

6. THE KERALA STATE POLLUTION CONTROL BOARD
ERNAKULAM, REP. BY EXECUTIVE ENGINEER – 682 030

7. THE VILLAGE OFFICER
MARAMPALLY VILLAGE, ERNAKULAM DISTRICT.

8. MUJEEB REHMAN
AGED 44, S/O. MOOSA, MUKKADA HOUSE
MUDICKAL P.O., ERNAKULAM.

R1 TO R5 & R7 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE
R6 BY ADV. SRI. M.AJAY, SC
R8 BY ADVS. SRI.ANIL S. RAJ
SRI.GEO PAUL
SRI.SANU MATHEW

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

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...2/-

WP(C).No. 10839 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1:- THE TRUE PHOTOCOPY OF THE STOP MEMO DTD. 5/3/2015 ISSUED BY
 THE VILLAGE OFFICER, MARAMPILLY.**
- EXT. P2:- TRUE PHOTOCOPY OF THE COMMUNICATION DTD 5/3/2015 OF THE
 7TH RESPONDENT.**
- EXT. P3:- THE TRUE COPY OF THANDEPPER REGISTER OF MARAMPILLY
 VILLAGE.**
- EXT. P4:- THE TRUE COPY OF COMPLAINT BEFORE THE 7TH RESPONDENT.**
- EXT. P5:- THE TRUE PHOTOGRAPHS OF THE ILLEGALLY CONVERTED PADDY
 FILED FROM GOOGLE MAP.**
- EXT. P6:- THE TRUE PHOTOCOPY OF THE REPRESENTATION BEFORE THE 2ND
 AND 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10839 OF 2015
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Dated this the 10th April, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- "i) to issue writ, order or direction in the nature of mandamus directing the respondents 2 to 7 or concerned among them to take immediate action against the 'illegal paddy conversion' in the property comprised in Sy.119/5-2, 119/5-3, 120/19 of Marampilly Village done by the 8th respondent and to issue direction to take steps to restore the land to its original position under the provisions of Conservation of Paddy Land and Wet Land Act 2008, in the interest of justice.*
- ii) to issue a writ , order or direction in the nature of mandamus directing the respondents 2 and 3 or the other respondents to take up Ext.P6 complaint and to take action against the illegal paddy conversion in the property in the land having an extent of 59.67 Ares that is 22.68 Ares in Sy.No.119/5-2, 24.29 Ares in Sy.No.119/5-3, 12.70 Ares in Sy.No.120/19 of Marampilly Village Block 23 of the 8th respondent and to issue direction to take steps to restore the*

land to its original position under the provisions of Conservation of Paddy Land and Wet Land Act, 2008, in the interest of justice.

Iii) to issue writ order or direction in the nature of mandamus directing the Revenue Authorities to take steps against the inaction, and to find out the support of officials in the illegal conversion being carried out even after issuance of Ext.P1 stop memo, within a time limit, in the interest of justice.

iv) to grant such other reliefs as may be deemed fit and proper in the interest of justice. "

2. When the matter came up for consideration before this Court today, the learned Counsel for the petitioners points out that inspite of issuance of a stop memo by the 7th respondent /Village Officer as to the illegal activity being pursued, the 8th respondent is still pursuing filling up process, which hence is required to be intercepted by this Court.

3. The learned Counsel for the 8th respondent submits that no further filling up activity has been pursued by the said respondent ; simultaneously assures and undertakes that no such activity will be pursued contrary to the mandate of relevant provisions of law.

4. The learned Counsel for the petitioners submits that the petitioners have already moved the second respondent/District Collector by filing Ext.P6 and that the same could be caused to be disposed of within a reasonable time.

5. In the above circumstance, there will be a direction to the second respondent/District Collector to consider and dispose of Ext.P6 at the earliest, at any rate, within six weeks from the date of receipt of a copy of the judgment, after affording an opportunity of hearing to the petitioners and the 8th respondent and after conducting a spot inspection as well. The undertaking given by the 8th respondent will continue till such time.

The writ petition is disposed of. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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