

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. 11853 of 2015 (F)

PETITIONER(S):

**GEEVARGHESE P.G., PUTHENPARAMPIL (HOUSE),
PADINJAREKARA, NEDUMBRAM, THIRUVALLA VIA.**

**BY ADVS.SRI.JACOB MATHEW MANALIL,
SMT.LIZA P.CHERIAN.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, PATHANAMTHITTA - 689 645.**
- 2. THE RDO, RDO OFFICE,
MARKET ROAD P.O., THIRUVALLA - 689 108.**
- 3. THE VILLAGE OFFICER,
PERINGARA VILLAGE OFFICE, PERINGARA P.O.,
THIRUVALLA (VIA), PIN- 689 108.**
- 4. THE AGRICULTURAL OFFICER,
PERINGARA AGRICULTURE OFFICE,
CHATHENKARY P.O, THIRUVALLA - 689 112.**
- 5. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 6. DR.JOSEPH MANACK, MANACK HOUSE,
AMICHAKARI P.O, THIRUVALLA (VIA), PIN - 689 112.**
- 7. MR.ABRAHAM MANACK, MANACK HOUSE,
AMICHAKARI P.O, THIRUVALLA (VIA), PIN - 689 112.**

R1 TO R5 BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE SALE DEED NO.2559 DATED 13/09/1984.
- EXT.P2: TRUE COPY OF THE MASS PETITION AGAINST FILLING OF PADDY LAND BY 6TH RESPONDENT DATED 08/10/1993.
- EXT.P3: TRUE COPY OF THE COMPLAINT OF THE PETITIONER TO THE 1ST RESPONDENT DATED 18/02/2015.
- EXT.P4: TRUE COPY OF THE PRINT OUT SHOWING THE NATURE OF LAND IN RE. SY. NO.490/7.
- EXT.P5: TRUE COPY OF THE LETTER ISSUED BY VILLAGE OFFICER DATED 10/03/2015.
- EXT.P6: TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 02/02/2015.
- EXT.P7: TRUE COPY OF THE COMPLAINT TO THE SUB INSPECTOR DATED 23/02/2015.
- EXT.P8: TRUE COPY OF THE PHOTOGRAPH SHOWING THE ACTIVITY OF FILLING THE PADDY FIELD AND CONSTRUCTING A RETAINING WALL.
- EXT.P9: TRUE COPY OF ONE NEWS ITEM THAT APPEARED IN DAILY MANGALAM DATED 24/02/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No. 11853 OF 2015
.....

Dated this the 10th April, 2015

J U D G M E N T

Grievance of the petitioner is mainly with regard to illegal filling up of paddy land, which is being done by the respondents 6 and 7 absolutely without any regard to rule of law . In spite of the fact that the matter has already been brought to the notice of the concerned respondent and that the Village Officer has already issued a stop memo, the activity is still going on. This made the petitioner to approach this Court by filing this writ petition.

2. Heard the learned Government Pleader as well. It is seen that the petitioner has already moved the first respondent/District Collector, who is the competent authority under Act 28 of 2008 by filing Ext.P3. It is also seen that some endorsement has been made by the District Collector thereon, which presumably led to the proceedings by way of Ex.P6 issued by the third respondent /Village Officer .

3. The proceedings have to be taken to a logical conclusion. In view of the fact that the merit need not be considered by this

Court at this stage, it is not necessary to issue any notice to the respondents 6 and 7 for the time being.

4. The writ petition is disposed of directing the first respondent/District Collector to consider and finalise the proceedings forming the subject matter of Ext.P3 after affording an opportunity of hearing to the petitioner and the respondents 6 and 7 at the earliest, at any rate, within one month.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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