

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No.11981 of 2015 (W)

PETITIONER:

**ASIYA,W/O.PULATHUKALATHIL HAMZA,
PULATHUKALATHIL HOUSE,PANDIYAD,
PATHAPIRIYAM P.O.,MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH**

RESPONDENT'S:

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM,PIN-676505.**
- 2. THE REVENUE DIVISIONAL OFFICER/SUB COLLECTOR,
PERINTHALMANNA,MALAPPURAM DISTRICT,PIN-679322.**

R1 & R2 BY SENIOR GOVT. PLEADER SRI.K.C.VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.11981 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT-P1:TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND
RESPONDENT DATED, 27.6.2014.**

**EXHIBIT-P2:TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED, 25.7.2014.**

**EXHIBIT-P3:TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT,
1.1.2015 AS NO.M-4556/2014.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.11981 of 2015

Dated this the 9th day of April, 2015

JUDGMENT

Petitioner is aggrieved of the proceedings issued by the 2nd respondent herein, whereby an insinuation has been levelled against the petitioner as to the unauthorised filling up of 'paddy land'. The petitioner was served with Ext.P1 notice dated 27.06.2014; on receipt of which, a detailed explanation was submitted as borne by Ext.P2. Despite this, the matter was finalised and an order was passed on 01.01.2015, whereby the petitioner was required to restore the land, failing which, coercive proceedings were to be pursued under Act 28 of 2008. This made the petitioner to approach this Court by filing the writ petition.

2. Heard the learned Government Pleader as well.

3. Going by the pleadings and proceedings and also the mandate of the provisions under provisions of Act 28 of 2008, this Court finds that the authority to take any action, particularly, under Section 13, ordering restoration of the property, if at all any unauthorised filling operation is there, is vested upon the 1st

respondent. The 2nd respondent is not the competent authority to have issued the said proceeding and the 2nd respondent, in fact, on coming across any such instance, ought to have forwarded the materials/report to the 1st respondent, for taking appropriate actions.

4. In the said circumstances, Ext.P3 will stand set aside. The 2nd respondent is directed to forward Exts.P1 and P2 to the 1st respondent, who in turn shall take appropriate action in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

'Status quo' as on date will continue till such time.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondents 1 and 2, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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