

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. 12159 of 2015 (T)

PETITIONER:

**K.V.VARGHESE, SOBHALAYAM,
MANCHALLOOR MURI, TOWN WARD,
PATHANAPURAM.P.O., KOLLAM - 689 695.**

BY ADV. SRI.V.VARGHESE

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER AND
SUB DIVISIONAL MAGISTRATE, KOLLAM, PIN - 689 001.**
- 2. ADDITIONAL TAHSILDAR, TALUK OFFICE,
PATHANAPURAM, PIN - 689 695.**
- 3. THE VILLAGE OFFICER, PATHANAPURAM, PIN - 689 695.**
- 4. SUHARA BEEVI, KANACHIRA THEKKETHIL,
MANCHALLOOR MURI, TOWN WARD,
PATHANAPURAM.P.O., KOLLAM DIST., PIN - 689 695.**
- 5. NASAR, KANACHIRA THEKKETHIL,
MANCHALLOOR MURI, TOWN WARD,
PATHANAPURAM.P.O., KOLLAM DIST., PIN - 689 695.**

R1 TO R3 BY SENIOR 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:**

mbr/

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1 : TRUE COPY OF THE REPORT NO.139/14 DATED 3.6.2014 PREPARED BY THE 3RD RESPONDENT FOR BEING SUBMITTED BEFORE THE 2ND RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF THE PROHIBITORY ORDER NO.174/14 DATED 23.6.2014 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF THE REPORT DATED 27.6.2014 SUBMITTED BY THE CHARGE OFFICER(JUNIOR SUPERINTENDENT-SURVEY), DEPARTMENT OF REVENUE, PATHANAPURAM BEFORE THE TAHSILDAR.
- EXHIBIT P4 : TRUE COPY OF THE STATEMENT GIVEN BY THE 5TH RESPONDENT TO BEFORE THE CHARGE OFFICER(JUNIOR SUPERINTENDENT-SURVEY).
- EXHIBIT P5 : TRUE COPY OF THE LETTER NO.B3-5528/2014 DATED 13.11.2014 ISSUED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P6 : TRUE COPY OF THE NOTICE NO.27645/14 DATED 29.1.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DIRECTING HIM TO APPEAR BEFORE HIM ON 25.2.2015.

RESPONDENT'S EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 12159 of 2015

Dated this the 10th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to ensure that the undertaking given in Ext.P4 is executed by the respondents 4 and 5 without any further delay.*
- ii. issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to conclude the proceedings initiated pursuant to Ext.P5 without any further delay.*
- iii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to proceed against the respondents 4 and 5 in accordance with law for the violations of the provisions of law contained in the Kerala Land Utilisation Orders and the Kerala Conservation of Paddy Land and Wet Land Act, 2008
and*
- iv. grant such other reliefs as this Hon'ble Court deems fit and proper in the circumstances of this case including the cost of this writ petition."*

2. The learned counsel for the petitioner submits that the

petitioner is an octogenarian having crossed the age of 84 years and is made to run from pillar to post. The matter is being protracted at the instance of the party respondent and the grievance stands yet to be redressed.

3. Heard the learned Government Pleader as well.

4. In view of the limited extent of relief sought for, this Court does not find it necessary to go into the merits of the case or to issue notice to the respondents 4 & 5. The writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P5, in accordance with law. It shall be done, after affording an opportunity of hearing to the petitioner and the respondents 4 & 5 at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.