

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 17217 of 2012 (B)

PETITIONER :

**SHAJU M.S, S/O.SREERAMAN, AGED 35 YEARS,
MANACKAPADIKKAL (H), ATTUPURAM
AYIROOR.P.O., ERNAKULAM DISTRICT.**

BY ADV. SRI.K.S.RAJEEV (ALUVA)

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM- 682 030**
- 2. THE SECRETARY,
KUNNUKARA GRAMA PANCHAYATH,
KUNNUKARA P.O, ERNAKULAM -683 524**
- 3. RAJA KRISHNAN, AGED 35 YEARS,
S/O.VINAYAKAN, NALAPATT VEEDU, AYIROOR P.O,
PUTHENVELIKARA VILLAGE, ERNAKULAM DISTRICT- 683 579**
- 4. AMBILI, W/O.RAJA KRISHNAN,
NALAPATT VEEDU, AYIROOR P.O., PUTHENVELIKARA VILLAGE,
ERNAKULAM DISTRICT -683 579**

**R1 BY GOVERNMENT PLEADER SRI.MOHAMMED SHAFI
R2 BY ADV. SRI.S.SHANAVAS KHAN
R3 & R4 BY ADV. SRI.P.V.JAYACHANDRAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE DOCUMENT NO.1159/09 OF PARAVOOR SRO**
- P2 COPY OF THE LETTER SENT TO THE COLLECTOR BY THE SECOND RESPONDENT DATED 18/12/09**
- P3 COPY OF THE LETTER SENT TO THE SUB INSPECTOR OF POLICE CHENGAMANAD DATED 27/2/10**
- P4 COPY OF THE CERTIFICATE ISSUED FROM PUTHENVELLIKARA VILLAGE OFFICE DATED 30/10/09**
- P5 COPY OF THE COMPLAINT SUBMITTED TO THE FIRST RESPONDENT DATED 3/12/10**
- P6 COPY OF THE RECEIPTS ISSUED FROM THE FIRST RESPONDENT OFFICE DATED 4/12/10**
- P7 COPY OF THE ORDER IN O.P.NO.2091/10 OF THE HON'BLE OMBUDSMAN FOR LOCAL SELF GOVERNMENT DATED 19/1/12.**

RESPONDENT'S EXHIBITS:

- EXT.R2(A) COPY OF THE APPLICATION DATED 9/9/2010 SUBMITTED BY THE 5TH RESPONDENT.**
- EXT.R2(B) COPY OF THE ORDER NO.TA(1) 121/10/K.DIS DATED 2/4/2012 OF THE PRINCIPAL AGRICULTURAL OFFICER, ERNAKULAM**
- EXT.R2(C) COPY OF THE CERTIFICATE DATED 25/4/2012 ISSUED BY SECRETARY, KUNNUKARA GRAMA PANCHAYAT.**
- EXT.R2(D) COPY OF THE JUDGMENT DATED 25/3/2014 IN WP(C).NO.8501 OF 2014 OF THIS HON'BLE COURT**

/TRUE COPY/

P.A.TO.JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 17217 of 2012

Dated this the 6th day of February, 2015

JUDGMENT

The petitioner has approached this Court being aggrieved of the alleged unauthorised filling up of paddy land belonging to the 4th respondent, without any regard to Exts.P2 and P3. It is also pointed out that the petitioner has moved the 1st respondent by filing Ext.P5 complaint which stands left in cold storage and hence the writ petition.

2. Heard the learned counsel appearing for the party respondents as well, who submits that, they have not effected any unauthorised filling and there is absolutely no basis for the complaint.

3. The learned counsel for the respondent Panchayath submits with reference to the statement dated 29.1.2015 filed before this Court that, out of the total extent of 43 cents, permission was given to have an extent of 10 cents converted, so as to construct a residential building therein. The said extent was filled up and residential building was put up and the concerned

respondent is residing in the said building. The balance 33 cents still remains as 'paddy land' and that no filling exercise is possible in the said property. A copy of the application preferred by the 5th respondent before the concerned authority and a copy of the order dated 02.04.2012 passed by the Agricultural Officer in this regard are produced as Exts. R2(a) and R2(b) respectively. Ext.R2(c) is the consent given by the Panchayath to effect construction of the building. The building has already been assigned number and tax has been remitted pursuant to Ext. R2 (d) judgment passed by this Court in W.P.(C). No. 8501/2014.

After hearing both the sides, this Court does not find any reason to retain the writ petition and the same stands closed making it clear that, balance property shall be retained as 'paddy land' as it is.

**P.R. RAMACHANDRA MENON,
JUDGE.**