

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 16748 of 2015 (P)

PETITIONER :-

JOSEPH JOSEPH, AGED 57 YEARS
S/O.JOSEPH CHAKRAMAKKIL, RESIDING AT 44/2516
CHETTIPARAMBIL HOUSE, FREEDOM ROAD, KALOOR
ERNAKULAM-682017.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS :-

1. THE SUB INSPECTOR OF POLICE,
MALA POLICE STATION, MALA, THRISSUR DISTRICT-680 733.
2. THE CIRCLE INSPECTOR OF POLICE,
MALA CIRCLE, MALA, THRISSUR DISTRICT-680 733.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 16748 of 2015 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : TRUE PHOTOGRAPHS OF THE COCONUT GARDEN OWNED AND
POSSESSED BY THE PETITIONER AND HIS WIFE.

EXT.P2 : TRUE COPY OF THE REQUEST DATED 12.04.2015 FOR RECORDING
CONVERSION OF THE LAND MADE BY THE PETITIONER BEFORE THE REVENUE
DIVISIONAL OFFICER.

EXT.P3 : TRUE COPY OF THE REQUEST DATED 12.04.2015 FOR RECORDING
CONVERSION OF THE LAND MADE BY THE PETITIONER'S WIFE BEFORE THE
REVENUE DIVISIONAL OFFICER.

EXT.P4 : TRUE COPY OF THE JUDGMENT DATED 27.05.2015 MADE IN WP(C)
15637/2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.16748 of 2015

Dated this the 4th day of June 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court alleging harassment by police. It is stated that he had purchased an extent of 96.32 Ares of land in Survey No.130/5 of Poyya Village. The petitioner's wife had also purchased an extent of 25.62 Ares of land in Survey No.131/5 of the same Village. According to the petitioner though the nature of land is specified in the revenue records as 'nilam', the entire land is planted with coconut trees and there has been no paddy cultivation for more than 35 years and when attempts were made to form basins around the coconut trees by filling the property with red earth, the same was obstructed by the respondent police authorities.

2. The petitioner submits that the property is never included as 'wet land' or 'paddy field' in terms of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. It is also submitted that application has been filed before the District Collector under Clause 6 of the Kerala Land Utilisation Order.

The petitioner had filed a writ petition as W.P.(C) No.15637 of 2015 seeking for appropriate direction to the District Collector to dispose of the said application. It is at that stage, the police had summoned the petitioner and asked him to stop the cultivation activities in the property.

3. Learned Government Pleader on instructions would submit that there is a water source, which passes through the property of the petitioner and his wife and when attempts were made to fill up the said water source by using machineries, the police had interfered in the matter and the vehicle was seized. Later, the same was released by the Geology Department after paying compounding fee of ₹25,000/-. According to the learned Government Pleader, thereafter nothing has happened in the matter. It is stated that the police had interfered only when attempts were made to fill up the water source.

4. Learned counsel for the petitioner submits that he has no intention to fill up the said water source at all.

5. Having regard to the aforesaid factual situation we do not think that there is any harassment by police. The petitioner is entitled to carry on cultivation operations in his property. The

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police will interfere only if any illegal act is being committed by the petitioner.

Under such circumstances, recording the submission of the learned Government Pleader, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt