

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR. ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M. SHAFFIQUE**

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 22065 of 2010 (S)

PETITIONER :

**THE SECRETARY, NELVAYAL SAMRAKSHANA
SAMITHI PERUMPILLY.P.O., MULANTHURUTHY ERNAKULAM, DIST
PIN-682314. REP. BY, MR. K.S. PRASAD, AGED 45 YEARS,
S/O. SIVARAMAN, KADECKAL HOUSE, PERUMPILLY.P.O.,
MULANTHURUTHY, ERNAKULAM DIST., PIN-682314**

BY ADV. SRI.VARGHESE P.CHACKO

RESPONDENTS :

- 1. STATE OF KERALA REP. BY THE SECRETARY
TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. REVENUE DIVISIONAL OFFICER, FORT KOCHI
ERNAKULAM.**
- 3. THE DISTRICT COLLECTOR, CIVIL STATION,
KAKKAND ERNAKULAM.**
- 4. THE SECRETARY, MULANTHURUTHY GRAMA
PANCHAYAT MULANTHURUTHY.P.O., ERNAKULAM DIST.
PIN-682314.**
- 5. THE SUB INSPECTOR OF POLICE, POLICE
STATION, MULANTHURUTHY ERNAKULAM DISTRICT-682314.**
- 6. THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
MULANTHURUTHY, MULANTHURUTHY.P.O. PIN-682314.**
- 7. P.T.JAMES, AGED 45 YEARS,
S/O. THOMAS, PULICKAL HOUSE, PAZHOOR.P.O.
PIRAVOM, ERNAKULAM-686664.**
- 8. EALIYAMMA, AGED 60 YEARS,
W/O. GEORGE, KOLLIAMPARAMBIL PERUMPILLY.P.O.,
MULANTHURUTHY, ERNAKULAM DISTRICT-682314.**

WP(C).No. 22065 of 2010 (S)

**9. MARTHOMAN CHURCH MULANTHURUTHY,
REP. BY ITS SECRETARY MULANTHURUTHY.P.O.,
ERNAKULAM DISTRICT-682314.**

**10. THAMPI VARGHESE, AGED 54 YEARS,
S/O. LATE GEEVARGHESE THARAKAN, SRAMBICKAL HOUSE,
PALLATHATTAYIL ARAKKUNNAM.P.O., ERNAKULAM-682313.**

**R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI. P.J. DAVIS
R4 BY ADV. SRI.S.SREEKUMAR
R7 BY ADV. SRI.M.PAUL VARGHESE
R9 BY ADV. SRI.P.B.KRISHNAN
R10 BY ADVS. SRI.P.B.KRISHNAN
SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON
SRI.N.AJITH
SRI.P.M.NEELAKANDAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

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

W.P.C.No.22065 of 2010

Dated this the 24th day of June 2015

J U D G M E N T

Shaffique, J

Petitioner has filed this writ petition in the form of a public interest litigation alleging massive reclamation of paddy land in violation of the orders passed by the revenue authorities and also in violation of the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (hereinafter referred to as the 'Act'). It is alleged that respondents 7 to 10 who own paddy fields are taking measures to fill up the paddy land and no steps are being taken by the competent authorities under the Act to prevent such activities.

2. The learned Government Pleader submits that during the pendency of the writ petition, appropriate orders had been passed by the District Collector under Section 13

of the Act. Respondents 7, 8 and 10 were directed to restore the lands to its original position. Respondents 7 and 8 have filed revision petition before the Government which came to be dismissed. Challenging the same, writ petition is filed before this Court being W.P.C.No.13979/2014 which is pending consideration in which the writ petitioner is a party.

3. Learned counsel appearing for respondents 7 and 8 would submit that already orders had been passed by the District Collector to restore their paddy lands to its original position which is under challenge in the writ petition which is now pending before this Court and therefore there is no necessity to proceed with the present case. It is also submitted that the petitioner is a fake organisation and criminal cases have been taken against the petitioner.

4. Learned counsel appearing for respondents 9 and 10 would submit that after conducting necessary enquiry into the matter, it was found by the District Collector that 9th respondent has not committed any illegal activity and the

property has been excluded from the provisions of the Act. As far as the 10th respondent is concerned, orders had been passed by the District Collector to restore the land to its original position against which revision is pending before the Government. It is also submitted that several criminal cases are pending against the representative of the petitioner's Samithi and his intention is mala fide. The idea is only to extract money from the persons involved in the matter. The registration of the Samithi has also been cancelled by the competent authorities.

5. Having heard the learned counsel on either side and having perused the records, we are of the view that since already action has been taken by the District Collector taking into consideration the provisions of the Act, substantial grievance raised by the petitioner has been taken care of. The matter is pending before the Government as well as this Court in the writ petition. Under such circumstances, we do not think it necessary to proceed with

the above writ petition as the same has become infructuous.
Accordingly, the petition is dismissed as infructuous.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

The words “9th respondent” occurring in line 3 of paragraph 4 of the judgment dated 24/06/2015 in W.P.C.No.22065/2010 is corrected as “10th respondent” and the words “10th respondent” occurring in line 6 of paragraph 4 are corrected as “9th respondent”.

Vide order dated 12/08/2015 in I.A.10326/2015.

Registrar (Judicial)

