

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 18706 of 2015 (K)

PETITIONER(S) :

- 1. KURIAKOSE, AGED 77 YEARS, S/O.ULAHANNAN,
MANGALASSERY, KAKKADU P.O., PIRAVOM VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.**
- 2. GOPINATHAN, AGED 55 YEARS, S/O.KUTTAPPAN,
VAARUKUNNEL, KAKKADU P.O., PIRAVOM VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.**
- 3. RAJAN, AGED 51 YEARS, S/O.POULOSE,
VAKKANAYIL, KAKKADU P.O., PIRAVOM VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE LOCAL LEVEL MONITORING COMMITTEE, PIRAVOM,
REPRESENTED BY ITS CONVENOR, AGRICULTURAL OFFICER,
PIRAVOM, ERNAKULAM DISTRICT, PIN- 686 664.**
- 2. THE DISTRICT LEVEL MONITORING COMMITTEE,
ERNAKULAM DISTRICT, REPRESENTED BY ITS CHAIRMAN,
REVENUE DIVISIONAL OFFICER(RDO), MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN- 686 664.**
- 3. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT-682 030.**
- 4. THE AGRICULTURAL OFFICER,
PIRAVOM, ERNAKULAM DISTRICT-686 664.**

*** ADDITIONAL R5 IMPEADED**

- 5. THE DISTRICT GEOLOGIST,
ERNAKULAM DISTRICT - 682 010.**

*** ADDITIONAL R5 IS IMPEADED AS PER ORDER DATED 08.07.2015 IN
I.A.NO.9605 OF 2015**

BY GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1:** TRUE COPY OF THE APPLICATION SUBMITTED BY
THE 1ST PETITIONER DATED 02/02/2015 ALONG WITH
THE COVERING LETTER OF NADAKKADA-VANDILAM
PADASHEKHARA NELLULPADHAKA SAMITHI.
- EXT.P2:** TRUE COPY OF THE APPLICATION SUBMITTED BY THE SECOND
PETITIONER DATED 13/02/2015 BEFORE THE FOURTH
RESPONDENT.
- EXT.P3:** TRUE COPY OF THE APPLICATION SUBMITTED BY THE THIRD
PETITIONER DATED 13/02/2015 ALONG WITH THE COVERING
LETTER OF KAKKAD VALIYAPADAM PADASHEKHARA
NELLULPADHAKA SAMITHI DATED 08/01/2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 18706 of 2015

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Dated this the 14th day of October, 2015

J U D G M E N T

The first petitioner is the owner of the paddy land having 30 cents in Sy. No.623/9 of Piravom Village. Second petitioner is the owner of a paddy land having an extent of 38 cents situated in Sy.No.645/17 ½ and 695/17-2 of Piravom village. Third petitioner is the owner of a paddy land having an extent of 54 cents situated in Sy.No.623/10 of Piravom Village.

2. The petitioners' case is that this paddy land is in a higher level comparing to the other paddy in surrounding land. Therefore soil has to be removed from the top portion of the paddy to level their paddy land with others for the purpose of paddy cultivation. Essentially the petitioner is approached this Court seeking a permission to remove soil in order to cultivate paddy.

3. In this matter 4th respondent has filed a statement stating that the excavation of the soil from the paddy land of the petitioner may require a permission from the Mining and Geology

Department. It is further submitted that if the top soil is removed from the paddy land, the paddy cannot be cultivated and the land will be unsuitable for paddy cultivation. It is also pointed out that the land at present stage is cultivable and suitable for paddy and the petitioner is cultivating paddy.

4. The petitioner submits that present cultivation of paddy involved huge cost as he has to use generator for the purpose of pumping water as it is lying higher level.

5. The petitioner actually require a assistance for cultivating paddy. The petitioner finds it difficult because of the nature of the land.

6. This Court is of the view that the Principal District Agricultural Officer, Ernakulam shall take appropriate decision in the matter, if the petitioner is really experience any difficulty in paddy cultivation. If the Principal Agricultural officer is the view that the soil required to be removed, he shall refer the matter to the Geologist for his views. Appropriate decision shall be taken by the Principal District Agricultural Officer, Ernakulam within two months from the date of receipt of the copy of this judgment. It is made clear that the petitioner has to strictly follow the advice of the

Principal Agricultural officer for the cultivation of paddy.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE