

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No.19088 of 2014 (S)

PETITIONER:

**VIDHYA SANGEETH,
THRISSUR DISTRICT PANCHAYAT MEMBER,
MULANKUNNATHKAVU DIVISION,
CHEMBAKASSERY HOUSE,
PERINGATTUKARA P.O,
THRISSUR DISTRICT,PIN- 680565**

BY SMT.VIDHYA SANGEETH [PARTY IN PERSON]

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
THRISSUR,PIN-680001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR-680001.**
- 3. THE VILLAGE OFFICER,KUTTUR-680001,
THRISSUR DISTRICT**
- 4. KOLAZHI GRAMA PANCHAYAT,
REPRESENTED BY THE SECRETARY,
THRISSUR DISTRICT-680010.**
- 5. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT,THIRUVANANTHAPURAM-695001.**
- 6. THE MANAGING DIRECTOR,
SHOBHA DEVELOPERS LTD,PUZHAKAL,
THRISSUR DISTRICT-680553.**
- 7. THE MANAGING DIRECTOR,
VAYALLOOR REALTORS PVT LTD,
RAGHAVEERA AVENUE,
POES GARDEN,CHENNAI-680686.**
- 8. THE MANAGING DIRECTOR,
VALASI VETTIKKAT REALTORS PVT LTD. NO.13,
RAGHAVEERA AVENUE,POES GARDEN,
CHENNAI-680686.**

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9. THE MANAGING DIRECTOR,
PUZHAKKAL DEVELOPERS PVT LTD,
THRISSUR 680553
10. SMT.M.S.JAYA,
THE PRESENT DISTRICT COLLECTOR OF
THRISSUR DISTRICT-680001.
11. SRI.E.K.BHARATH BHOOSHAN,
THE PRESENT CHIEF SECRETARY TO THE
GOVERNMENT OF KERALA,SECRETARIAT,
THIRUVANANTHAPURAM-695001.
12. THE DIRECTOR,
VIGILANCE & CORRUPTION BUREAU,
SECRETARIAT,THIRUVANANTHAPURAM-695001.

R1TO R3,R5 & R12 BY SPECIALGOVT. PLEADER SMT.GIRIJA GOPAL
R4 BY ADVS.SRI.P.SANTHOSH (PODUVAL)

SMT.R.RAJITHA

SRI.K.D.SREEVISAKH

R6-R9 BY ADV.SRI.C.M.MOHAMMED IQUABAL

R.BY ADV.SRI.T.KRISHNAN UNNI (SR.)

R9 BY ADV.SRI.G.SREEKUMAR (CHELUR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09.12.2014 THE COURT ON 07-01-2015, DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1:TRUE COPY OF THE COMPLAINT SUBMITTED BY 3 OWNERS OF THE PADDY LAND ADJACENT TO THE PADDY LAND PROPERTY HELD BY THE RESPONDENTS 7 TO 9 BEFORE RESPONDENT NO.1 DATED 15-05-2014.

EXHIBIT-P2:TRUE COPY OF THE STOP MEMO DATED 21-05-2014 ISSUED BY THE RESPONDENT NO 3 TO THE RESPONDENT NO.7.TRUE COPY TRANSLATION OF EXT P2.

EXHIBIT-P3:TRUE COPY OF THE STOP MEMO DATED 21-05-2014 ISSUED BY THE RESPONDENT NO.3 TO THE RESPONDENT NO.8.TRUE COPY TRANSLATION OF EXT P3.

EXHIBIT-P4:TRUE COPY OF THE REPRESENTATION DATED 24-05-2014 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.1.TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P4.

EXHIBIT-P5:TRUE COPY OF THE LETTER ISSUED BY THE AGRICULTURAL OFFICER ALONG WITH HER REPORT TO THE REVENUE DIVISIONAL OFFICER, DATED 21-05-2014. TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P5.

EXHIBIT-P6:TRUE COPY OF THE LOCATION SKETCH ISSUED BY THE RESPONDENT NO.3 VILLAGE OFFICER, KUTTUR SHOWING THE RESPECTIVE PROPERTY OF THE RESPONDENTS 7 TO 9.

EXHIBIT-P7:TRUE COPY OF THE DATA BANK WITH RESPECT TO THE PROPERTY SHOWN IN EXT P6. TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P7.

EXHIBIT-P8:TRUE COPY OF THE ORDER DATED 12-12-2007 ISSUED BY THE RESPONDENT NO.2 IN FAVOUR OF RESPONDENT NO.7. TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P8.

EXHIBIT-P9:TRUE PHOTOGRAPH OF THE GOOGLE EARTH IMAGERY OF THE DATE 11-10-2006 (10TH DAY OF NOVEMBER 2006).

EXHIBIT-P10:TRUE PHOTOGRAPH OF GOOGLE EARTH IMAGERY OF THE DATE 03-29-2007 (29TH DAY OF MARCH 2007).

EXHIBIT-P11:TRUE PHOTOGRAPH OF GOOGLE EARTH IMAGERY OF THE DATE 12-21-2010 (21ST DAY OF DECEMBER 2010).

EXHIBIT-P12:TRUE PHOTOGRAPH OF GOOGLE EARTH IMAGERY OF THE DATE 12-10-2012 (10TH DAY OF DECEMBER, 2012).

EXHIBIT-P13:TRUE PHOTOGRAPH OF GOOGLE EARTH IMAGERY OF THE DATED 04-21-2013 (21ST DAY OF APRIL, 2013).

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**EXHIBIT-P14:TRUE COPY OF THE ORDER PASSED BY RESPONDENT NO.10
FAVOURING THE WIFE OF RESPONDENT NO.11 DATED 01-06-2014.
TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P14.**

**EXHIBIT-P15:TRUE COPY OF THE RDER ISSUED BY THE RESPONDENT NO.10 IN
THE APPEAL FILED BY ONE MADHAVANKUTTY DATED 05-06-2014.
TRUE COPY ENGLISH TRANSLATION OF EXT.P15.**

**EXHIBIT-P16:TRUE COPY OF THE ORDER ISSUED BY THE RESPONDENT NO.10
IN THE APPEAL FILED BY ONE JOHNSON DATED 13-06-2014. TRUE
COPY OF THE ENGLISH TRANSLATION OF EXT P16.**

**EXHIBIT-P17:TRUE COPY OF THE REPORT SUBMITTED BY RESPONDENT
NO.2,REVENUE DIVISIONAL OFFICER,DT.11.7.2014 TO
RESPONDENT NO.1 WHICH THE PETITIONER OBTAINED UNDER
THE RIGHT TO INFORMATION ACT.**

**EXHIBIT-P18:TRUE COPY OF THE REPORT SUBMITTED BY THE VILLAGE
OFFICER, KUTTUR,RESPONDENT NO.3 TO THE ADDITIONAL
TAHSILDAR, TRICHUR,DATED 17.5.2014.**

**EXHIBIT-P19:TRUE COPY OF THE APPEAL PETITION SUBMITTED BY
SMT.RENJANA TO RESPONDENT NO.2 DATED 21.4.2014.**

**EXHIBIT-P20:TRUE COPY OF THE ORDER NO.LDIS,24265/2014 DATED 29.4.2014
BY DEPUTY COLLECTOR AS PER THE DIRECTION OF
RESPONDENT NO.1 OBTAINED UNDER THE RIGHT TO
INFORMATION ACT. TRUE COPY ENGLISH TRANSLATION OF
EXT.P20.**

**EXHIBIT-P21:TRUE COPY OF THE APPEAL PETITION FILED BY THE WIFE OF
RESPONDENT NO.11 BEFORE RESPONDENT NO.1,
DATED 21.4.2014. TRUE COPY ENGLISH TRANSLATION OF EXT.21
(PAGE -1)**

**EXHIBIT-P22:TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN WIFE
OF RESPONDENT NO.11,SMT.RANJANA WITH KALYAN
DEVELOPERS,DATED 30.6.2014.**

**EXHIBIT-P23:TRUE COPY OF THE STATEMENT OF MR.V.S.SUNIL KUMAR,LOCAL
M.L.A.DATED 9.6.2014. TRUE COPY ENGLISH TRANSLATION OF
EXT.P23.**

**EXHIBIT-P24:TRUE COPY OF THE STATEMENT OF OPPOSITION LEADER
MR.V.S.ACHUTHANANDAN DATED 19.8.2014. TRUE COPY ENGLISH
TRANSLATION OF EXT.P24.**

RESPONDENT'S EXHIBITS:

**EXT.R1(a):TRUE COPY OF THE STOP MEMO ISSUED TO PUZHAKKAL
DEVELOPERS PVT.LTD.,**

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EXT.R1(b):TRUE COPY OF THE ORDER DATED 18.8.2014 ISSUED BY THE DISTRICT COLLECTOR.

EXT.R1(c):TRUE COPY OF THE E-MAIL SENT BY THE PETITIONER TO THE DISTRICT COLLECTOR ON 27.5.2014.

EXT.R6(a):A TRUE COPY OF THE COMMUNICATION ISSUED BY KOLEZHI GRAMA PANCHAYATH OFFICE DATED 31.5.2014 ALONG WITH ENGLISH TRANSLATION.

EXT.R6(b):A TRUE COPY OF THE COMMUNICATION ISSUED BY THE KUTTOOR VILLAGE OFFICER DATED 27.6.2014 ALONG WITH ENGLISH TRANSLATION.

EXT.R7(a):THE TRUE COPY OF THE PROCEEDING NO.K.DIS.SR.97/96/D1 OF THE R.D.O,THRISSUR DATED 27.3.1996.

EXT.R7(b):THE TRUE COPY OF THE PROCEEDING NO.K.DIS.SR.99/96/D1 OF THE R.D.O,THRISSUR DATED 27.3.1996.

EXT.R7(c):THE TRUE COPY OF THE PROCEEDING NO.K.DIS SR.100/96/D1 OF THE R.D.O,THRISSUR DATED 27.3.1996.

EXT.R7(d):THE TRUE COPY OF THE PROCEEDING NO.K.DIS.SR.101/96/D1 OF THE R.D.O, THRISSUR DATED 27.3.1996.

EXT.R7(e):THE TRUE COPY OF THE PROCEEDING NO.K.DIS SR.258/96/D1 OF THE R.D.O,THRISSUR DATED 18.7.1996.

EXT.R7(f):THE TRUE COPY OF THE PROCEEDING NO.K.DIS.SR.259/96/D1 OF THE R.D.O,THRISSUR DATED 18.7.1996.

EXT.R7(g):THE TRUE COPY OF THE PROCEEDING NO.K.DIS.SR.260/96/D1 OF THE R.D.O,THRISSUR DATED 18.7.1996.

EXT.R7(h):THE TRUE COPY OF THE PROCEEDING NO.K.DIS.SR.266/96/D1 OF THE R.D.O,THRISSUR DATED 18.7.1996.

EXT.R7(i):THE TRUE COPY OF THE PROCEEDING NO.B2-12371/08/K.DIS/6 OF THE R.D.O THRISSUR DATED 12.12.2007 WITH ITS ENGLISH TRANSLATION.

EXT.R7(j):THE TRUE COPY OF THE PROCEEDING NO.B 2-12371/08/K.DIS/7 OF THE R.D.O,THRISSUR DATED 12.12.2007 WITH ITS ENGLISH TRANSLATION.

EXT.R7(k):THE TRUE COPY OF THE PROCEEDING NO.B 2-12371/07/K.DIS/14 OF THE R.D.O,THRISSUR DATED 12.12.2007 WITH ITS ENGLISH TRANSLATION.

EXT.R7(l):TRUE COPY OF THE PROCEEDING NO.B 2-12371-07/K.DIS/15 OF R.D.O,THRISSUR DATED 12.12.2007 WITH ITS ENGLISH TRANSLATION.

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EXT.R7(m):THE TRUE COPY OF THE PROCEEDING NO.B 2-12371-07/K.DIS/16 OF R.D.O,THRISSUR DATED 12.12.2007 WITH ITS ENGLISH TRANSLATION.

EXT.R7(n):THE TRUE COPY OF THE PROCEEDINGS OF THE SUB COLLECTOR,THRISSUR DATED 3.6.2014 WITH ENGLISH TRANSLATION.

EXT.R7(o):A TRUE COPY OF THE OBJECTION FILED BY RESPONDENTS 7 TO 9 DATED 8.8.2014 WITHOUT ANNEXURES.

EXT.R7(p):THE TRUE COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR,THRISSUR DATED 18.8.2014.

EXT.R7(q):THE TRUE COPY OF THE STOP MEMO ISSUED BY VILLAGE OFFICER,DATED 10.6.2014 WITH ITS ENGLISH TRANSLATION.

EXT.R7(r):THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY 8TH RESPONDENT BEFORE THE AGRICULTURAL OFFICER DATED 22.10.2010 WITH ITS ENGLISH TRANSLATION.

EXT.R7(s):THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY 7TH RESPONDENT BEFORE THE AGRICULTURAL OFFICER DATED 22.10.2010 WITH ITS ENGLISH TRANSLATION.

EXT.R7(t):THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY RAVEENDRANATHAN NAIR BEFORE THE AGRICULTURAL OFFICER DATED 22.10.2010 WITH ITS ENGLISH TRANSLATION.

EXT.R7(u):THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY E.DINI BEFORE THE AGRICULTURAL OFFICER DATED 22.10.2010 WITH ITS ENGLISH TRANSLATION.

EXT.R7(v):THE TRUE COPY OF THE REPRESENTATION SUBMITTING BY E.UNNIKRISHNAN BEFORE THE AGRICULTURAL OFFICER DATED 22.10.2010 WITH ITS ENGLISH TRANSLATION.

EXT.R7(w):TRUE COPY OF THE COMMUNICATION ISSUED BY THE VILLAGE OFFICER,KUTTOOR DATED 3.9.2014 WITH ITS ENGLISH TRANSLATION.

EXT.R7(x):THE TRUE COPY OF THE COMMUNICATION ISSUED BY THE VILLAGE OFFICER,KUTTOOR DATED 27.8.2014 ITH ITS ENGLISH TRANSLATION.

//TRUE COPY//

P.S. TO JUDGE

Ashok Bhushan, Ag. C.J & A.M. Shaffique, J.

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W.P (C) No. 19088 of 2014

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Dated this, the 7th day of January, 2015.

J U D G M E N T

Shaffique, J.

This writ petition is filed by a Member of the District Panchayat as a public interest litigation seeking for a direction to respondents 1 to 5 to stop all conversion/filling up of paddy land forming part of Puzhakkal Padam, Kuttur Village in Thrissur Taluk and to stay all the construction activities conducted by respondents 6 to 9, to direct the 4th respondent to cancel all permits granted to respondents 6 to 9 for constructing buildings, for a further direction to the 12th respondent to conduct an enquiry into the corrupt and illegal activities in the matter of filling up of paddy land and for other consequential reliefs.

2. According to the petitioner, the 6th respondent acquired large extent of paddy land during 2002 and has started developing the said area by construction of villas and flats under the name and style 'Shoba City'.

3. About 19 acres of paddy land has been acquired in the name of three companies, the respondents 7 to 9. Certain neighbouring owners of paddy land had submitted a complaint as Ext. P1 on 15.5.2014 against the conversion of the paddy land. The petitioner submits that on the basis of the aforesaid complaint, the 3rd respondent issued stop

memo to respondents 7 and 8. Exts. P2 and P3 are the said memos. According to the petitioner, no stop memo was issued to the 9th respondent whereas filling activities were being mainly done by the said company. This action of the revenue authorities, according to the petitioner, is a deliberate act to assist the 9th respondent in filling up the paddy land. The petitioner makes a specific allegation against the 10th respondent District Collector Smt. M.S. Jaya, who, according to the petitioner, is assisting the illegal filling up of paddy land in the said area by the 9th respondent. According to her, despite the stop memo issued to respondents 7 and 8, reclamation was being continuously done, which will affect the stability of the environment and water resources of the locality. A representation was submitted by the petitioner before the 1st respondent, which is produced as Ext. P4. According to the petitioner, despite the said representation also, no action was being taken by the District Collector and she is responsible for the alleged illegal acts and is also preventing other officers in taking appropriate action in time. She relies upon a letter issued by the Agricultural Officer to the Revenue Divisional Officer on 21.5.2014, wherein it is reported that the paddy land in Sy. No. 515 to 531 of Kuttur Village is being illegally filled up.

She relies upon Ext. P7 particulars of data bank prepared under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (hereinafter referred as the Act), according to which, the property is described as paddy land.

4. Reference is also made to an order dated 12.12.2007 by which the 7th respondent had obtained permission from the Revenue Divisional Officer for filling up paddy land having an extent of 9 acres. Ext. P8 is the said order dated 12.12.2007. It is alleged that filling was not done on the basis of Ext. P8 and within the period specified therein. The Act had come into force on 12.8.2008 and thereafter, according to the petitioner, the respondents have no right to convert the paddy land. Certain reference has been made to Google earth imagery photographs pointing out that filling operations were done subsequent to the coming into force of the Act. It is further contended that the 10th respondent is acting with the assistance of the 11th respondent and they are involved in corrupt practices.

5. The petitioner also refers to certain enquiry being made in regard to another transaction alleging involvement of respondents 10 and 11, in which, according to her, vigilance enquiry is pending. On

these allegations, the writ petition is filed seeking the reliefs sought for.

6. Counter affidavit is filed by the 1st respondent inter alia contending that the allegations raised are absolutely baseless. On receiving a complaint from one C.S. Gopalan and others, the District Collector on 17.5.2014 has called for urgent action and report from the Revenue Divisional Officer. The District Collector also directed the the Additional Tahildar, Thrissur Taluk and the Village Officer, Kuttur to go to the site and stop any filling up of paddy land in that site. On the basis of such directions, the above officers inspected the site aforesaid and informed the District Collector that paddy land was being reclaimed and three tipper lorries and a Hitachi machine used for reclamation were seized. The District Collector directed them to ensure that no further filling takes place in the site and also recommended to take immediate action to those who have violated the provisions of the Act. The Village Officer issued stop memos to respondents 7 and 8 on 21.5.2014. Stop memo was also issued to the 9th respondent on 10.6.2014, which is produced as Ext. R1 (a). On this basis, it is contended that the writ petition is an abuse of process of court as without even looking into the stop memo issued to the 9th respondent,

baseless allegations have been raised against the 1st respondent and the Chief Secretary to Government. It is further contended that the Revenue Divisional Officer has furnished a report to the District Collector on 11.7.2014 reporting that there has been illegal filling of paddy land in certain survey numbers by respondents 7 to 9 and that action has to be taken under Sections 13, 20 and 24 of the Act. The District Collector has issued notice to respondents 7 to 9 for hearing, since it was reported by the Agricultural Officer that the land in question is included as paddy land in the data bank prepared in terms of the Act. After hearing respondents 7 to 9, an order has been passed by the District Collector on 18.8.2014 as per which respondents 7 to 9 were directed to restore the land in question to its original position as paddy land since conversion was made recently and in violation of the provisions of Act. Ext.R1(b) is the said proceedings. Further, the Village Officer was also directed to take appropriate steps by sending a report to the court of competent jurisdiction in order to prosecute the land owners for violating the provisions of the Act. The 1st respondent, therefore, denied the fact that there had been nexus between respondents 6 to 9 and respondents 10 and 11 in the matter. It was also

contended that the petitioner being a lawyer should have filed the public interest litigation after ascertaining true and correct facts and after conducting appropriate research in the matter. With reference to Ext. P14, it is submitted that it has nothing to do with the present complaint and some other cause of action has been unnecessarily included in the present public interest litigation. It was contended that Ext.P14 was passed in strict compliance with the rules and in accordance with law.

7. The respondent has further indicated that the petitioner has approached this Court with unclean hands by suppressing materials with reference to Ext.R1(a) stop memo. Hence, the 1st respondent seeks for dismissal of the writ petition with exemplary costs alleging that the attempt of the petitioner was to get political and personal mileage by projecting herself to be a person responsible for redressal of grievances of public.

8. Counter affidavit is also filed by the 6th respondent. It is stated that the writ petition is filed in collusion with the complainant in Ext. P1 complaint as their intention is only to get money from respondents 6 to 9. It is contended that in 2007, development works were started at Puzhakkal and Kuttoor Villages, which

are nearing completion. They intended to create a full-fledged township in accordance with the master plan as approved by the authorities. The properties covered by 'Sobha City' were already converted land when they started commencement of the project. They completed construction in 55 acres of land including a lake in 6.5 acres of land. The lake is constructed to accumulate rain water and to use the same as water resource of the project. According to them, the works undertaken by them is legal and they have complied with all the formalities keeping the environment clean and fit. Respondents 7 to 9 have acquired about 19 acres of land in Kutoor Village near to Sobha City. According to 6th respondent, they have not made any construction there, whereas the construction was made only in the 55 acres which is in their possession and near to the 19 acres. The property was lying as dry land at the time of acquisition. Previous owners had obtained permission to convert the land under the Kerala Land Utilization Order. The same was converted with permission and handed over for development to Sobha city. Therefore, according to the respondent, no illegal activity is being done in the land which is reclaimed long back. It is further contended that certain persons in the locality requested for acquiring their land also for which they

demanded a higher price. Since the respondent did not agree, these issues have been created. It is contended that no difficulties have been caused to any of the adjacent paddy field as alleged. Therefore, according to them, the land was reclaimed even prior to the Act coming into force.

8. Counter affidavit is filed by respondents 7 to 9. According to them, with respect to an extent of 19 acres, the Revenue Divisional Officer, Thrissur has passed orders permitting reclamation of land under the provisions of Kerala Land Utilization Order, 1967. Exts. R7(a) to R7(d) are the proceedings dated 27.3.1996. Exts. R7(e) to R7(h) are proceedings dated 18.7.1996. Exts. R7(i) to R7(m) are proceedings dated 12.12.2007. According to them, previous owners have obtained such permits and they have converted paddy land in accordance with the said permit prior to the Act coming into force. Therefore, the Act has no application to the land in question. Further, it is stated that no portion of the 19 acres is lying as a paddy land. The respondents also contended that there is an association of cultivators of the Padasekharam. They have not raised any complaint regarding the aforesaid matter. With reference to Ext. P1 complaint, it is submitted that at the relevant time,

when they were stocking red earth and quarry materials in the property as per the permission granted by the mining and Geology Department, though the vehicles were initially taken custody and stop memos were issued, the said action was taken without knowing about the orders passed by the Revenue Divisional Officer under the Kerala Land Utilization Order. With reference to the order of the District Collector dated 18.8.2014 under Section 13 of the Act, the respondents submit that they have taken appropriate steps to challenge the said order before the Agricultural Commissioner, who is the revisional authority. Therefore, according to them, whatever conversion they have made is in accordance with law and based on appropriate permits granted by the Revenue Divisional Officer prior to the Act coming into force. Additional counter affidavit has been filed by respondents 7 to 9 further indicating that the complainants in Ext. P1 are not farmers. They are involved in clay mining from paddy land having an extent of 29.91 acres.

9. Reply affidavit has been filed by the petitioner reiterating the stand that stop memo was not issued to the 9th respondent and the respondents were filling up the land despite such stop memos. Further, it is contended that Ext.R1(a) order is issued

only after 20 days after the issue of Exts. P2 and P3 orders in order to assist illegal filling. The petitioner also contends that the 1st respondent has not inspected the site after filing of the writ petition.

10. Additional counter affidavit has been filed to the reply filed by the petitioner by the Sub Collector and Revenue Divisional Officer Thrissur. It is stated that the petitioner had sent an e-mail to the District Collector on 27.5.,2014, which is produced as Ext. R1 (c), from which it is clear that the petitioner was aware of the action taken by the administration on 17.5.2014 itself. It is further stated that Ext.R1(b) order could not have been issued without hearing the respondents and therefore there is no reason to complain about the delay in issuing final orders at Ext.R1(b). The deponent further indicated that there is malicious intention on the part of the petitioner in this matter and there is lack of bona fides. It is stated that though she pleaded that she is not behind publicity, she has been consistently giving media reports even during the pendency of this writ petition projecting herself as 'one man army'. Therefore, according to the respondents, the writ petition is filed by raising defamatory allegations against high officers including Judges of this Court and the attempt is to malign the high office

occupied by officers.

11. Another reply affidavit is filed by the petitioner controverting the allegations in the counter affidavit. It is alleged that the action of the 1st respondent is promoting corruption. She reiterated the averments made in the writ petition as well as in the reply affidavit.

12. During the hearing of the case, it is brought to the notice of this Court that against the order passed by the District Collector under Section 13 of the Act, a writ petition is filed before this Court as W.P (C) No. 23621/2014 and an interim direction is issued to maintain status quo.

13. Having regard to the nature of the averments made, the only question to be considered is whether appropriate action has been taken by the authorities under the Act.

14. According to the petitioner, despite the complaints given, no action has been taken in the matter of filling up of about 19 acres of land in possession of party respondents 7 to 9.

15. It is not in dispute that this land lies adjacent to an extent of 55 acres of land which has already been developed into a township, which according to the 6th respondent is known as 'Sobha city'. The petitioner has

approached this Court complaining about the inaction on the part of the revenue authorities and alleging that respondents 10 and 11 are indulging in corrupt practices by permitting filling up of the land. Even according to the petitioner, stop memos were issued to respondents 7 and 8 as per Exts. P2 and P3. She feigned ignorance about any stop memo being issued to the 9th respondent. The writ petition is filed on 23.7.2014. The stop memo has been issued to the 9th respondent as per Ext. R1(a) dated 10.6.2014. Therefore, it is clear that even at the time when the writ petition was filed, appropriate action had been taken by the District Collector and the revenue authorities in this regard. Further, it is based on Ext. P1 complaint that an enquiry was conducted by the District Collector. Ext. R1(b) is the order passed under Section 13 of the 2008 Act. It is inter alia observed in the order that stop memos were issued on 21.5.2014 and 10.6.2014. Sub Collector had recommended action under Sections 13, 20 and 25 of the 2008 Act. The matter was posted for hearing on 8.8.2014 and orders were passed on 18.8.2014. It is inter alia observed by the District Collector that Agricultural Officer has reported that the land in question was included as paddy land in the data bank prepared in accordance

with the provisions of the Act. According to party respondents 6 to 9, they have completed filling up of paddy land even before the Act coming into force and they have submitted their applications before the concerned authority to show that their property had been converted as dry land. According to them, though filling was completed long back, but the property looked like a marshy land. However, the District Collector opined that the Sub Collector has based his report on the details collected from NRSA, a Government of India agency, which was authentic. It was found that the 19 acres was filled up after the Act had come into force and hence the power under Section 13 was invoked and the parties were called upon to restore the paddy land to its original position.

16. As far as the claim of the petitioner is concerned, it is evident from the materials on record that appropriate steps had been taken by the District Collector based on Ext. P1 complaint and therefore there was no reason to seek the direction as sought for in the public interest litigation.

17. The petitioner however has made certain allegations against respondents 10 and 11. Perusal of the counter affidavit as well as the order passed by the District Collector clearly indicates that such allegations

were totally unwarranted and baseless. If the District Collector had not taken any action pursuant to Ext. P1, there was some justification to say that the District Collector failed to take any action, whereas the District Collector had directed issuance of stop memos. Further, the order dated 18.8.2014, under Section 13 of the Act is based on Ext. P1 complaint. Being a Member of the District Panchayat, the petitioner ought to have obtained such vital information before filing the writ petition. The Supreme Court has, in ever so many decisions, deprecated the practice of public spirited persons in approaching the court with piecemeal information. This is also a similar instance where available materials were not collected and the pending proceedings has not been brought to the notice of this Court. As a Member of the the Panchayat, the petitioner could have as well obtained necessary information from the office of the District Collector regarding the action taken pursuant to Ext. P1. No such attempt is seen made and she has rushed to this Court. However, having regard to the fact that the cause projected had received the attention of the authorities under the Act and appropriate action has been taken in the matter in accordance with the provisions of the Act, we decline to pass any further orders in the matter.

18. As far as Ext. P14 and the proceedings thereon are concerned, it has absolutely nothing to do with the filling up of paddy land. It is a separate order passed by the District Collector exercising statutory power, which cannot be termed as helping the 11th respondent or any other person. Public men should be more careful while making allegations against officers unless they have sufficient materials to substantiate the same. That apart, there are appropriate forums to give complaint against corrupt officials. Even according to the petitioner, vigilance enquiry is pending. It is always open for her to prosecute the same further. But, there is no reason to make unsubstantiated allegations against the officers of Government. The allegations about corrupt practice should be borne out by records and person making allegations should be in a position to substantiate the same. We do not find any material to come to the conclusion that the District Collector has committed any illegality in the aforesaid issues.

19. Having regard to the fact that the District Collector has already issued appropriate directions in terms of Section 13 of the Act, there is no reason to pass any orders in this writ petition as prayed for. We make it clear that we have not expressed any opinion

on the merits of the rival contentions. It is always open for the parties to take up their cause before the appropriate forum.

The writ petition is disposed as above.

Ashok Bhushan, Ag. Chief Justice

A.M. Shaffique, Judge.

Tds/