

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 19707 of 2015 (K)

PETITIONER :

**ANIRUDHAN, AGED 48 YEARS,
S/O.VASU, ERALLIYIL HOUSE, AYIROOR KARA,
KUNNUKARA, PARAVUR TALUK,
ERNAKULAM DISTRICT - 683 579.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:-

- 1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVT.,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE KUNNUKARA GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, P.O.KUNNUKARA,
PARAVUR TALUK - 683 579.**
- 3. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM.**
- 4. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI - 682 001.**
- 5. THE TALUK TAHSILDAR,
TALUK OFFICE, PARAVUR - 682 026.**
- 6. THE VILLAGE OFFICER,
KUNNUKARA VILLAGE OFFICE,
ERNAKULAM DISTRICT - 682 026.**
- 7. PANIS, AGED 59 YEARS,
S/O.CHIRAKA MANAVALAN OUSEPH, AYIROOR KARA,
KUNNUKARA VILLAGE, ERNAKULAM DISTRICT - 682 026.**
- 8. JOSE, AGED 58 YEARS,
S/O.CHIRAKA MANAVALAN OUSEPH, AYIROOR KARA,
KUNNUKARA VILLAGE, ERNAKULAM DISTRICT - 682 026.**

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9. ANTONY, AGED 36 YEARS,
S/O.CHIRAKA MANAVALAN OUSEPH, AYIROOR KARA,
KUNNUKARA VILLAGE, ERNAKULAM DISTRICT - 682 026.

10. JOY, AGED 56 YEARS,
S/O.MATTEKADAN VARGHESE, AYIROOR KARA,
KUNNUKARA VILLAGE, ERNAKULAM DISTRICT.

R1,R3 TO R6 BY GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN
R2 BY ADV. SRI.S.SHANAVAS KHAN
R7 TO R10 BY ADV. SRI.K.S.RAJEEV (ALUVA)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. A TRUE COPY OF THE SKETCH PREPARED BY THE PETITIONER DATED NIL.
- EXHIBIT P2. A TRUE COPY OF THE PLAINT IN OS NO.922 OF 2014 ON THE FILE OF THE MUNSIF COURT, PARAVUR DATED 14.11.2014.
- EXHIBIT P3. A TRUE COPY OF THE COMMISSIONERS REPORT AND PLAN IN EXT. P2 SUIT DATED 28.11.2014.
- EXHIBIT P4. A TRUE COPY OF THE STOP MEMO ISSUED BY THE VILLAGE OFFICER, KUNNUKARA DATED 30.03.2015.
- EXHIBIT P5. A TRUE COPY OF THE ORDER PASSED BY THE LEARNED MUNSIF, IN IA NO.2395 OF 2014 IN OS NO.922 OF 2014 DATED 14.11.2014 ON THE FILE OF THE MUNSIF COURT, NORTH PARAVUR.
- EXHIBIT P6. A TRUE COPY OF THE COMPLAINT OF THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 20.05.2015.
- EXHIBIT P7. A TRUE COPY OF THE RECEIPT ISSUED BY THE THIRD RESPONDENT DATED NIL.
- EXHIBIT P8. A TRUE COPY OF THE DETAILS PROVIDED FROM THE TALUK OFFICE, PARAVUR DATED 04.06.2015 TO THE PETITIONER.
- EXHIBIT P9. A TRUE COPY OF THE COMMUNICATION OF THE TAHSILDAR DATED 09.06.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.19707 of 2015

Dated this the 6th day of October, 2015

JUDGMENT

The petitioner has approached this Court seeking a direction against respondents 2 to 5 to take appropriate steps to remove illegal reclamation of paddy land by the party respondents and to ensure free flow of water to his property.

2. In this matter, a report has been filed by the 6th respondent. In the report, it is stated that the petitioner is in possession of the landed property in survey No.713/3. This land is 'Nilam'. It is also stated that the petitioner along with respondents 7 to 9 had filled the land comprised in Survey No.703/10 illegally, using building and granite wastes. It is also stated that the landed property in Survey No.703/10 is included in the draft data bank prepared under the Kerala Conservation of Paddy Land and Wet Land Act, 2008. Based on the illegal reclamation, a stop memo was issued on 30.3.2015.

This Court is of the view, whether it is the petitioner or party respondents have reclaimed the paddy land in contraventions of Act 28/2008, appropriate action shall be taken by the fourth respondent to restore the land to its original position. Needful shall be done by the fourth respondent to restore the land to its original position within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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