

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 20725 of 2014 (M)

PETITIONER(S):

**BABY, AGED 59 YEARS,
S/O. NARAYANAN, KALARICKAL HOUSE,
KADUTHURUTHI P.O.
KOTTAYAM.**

**BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM-686 002.**
- 2. THE REVENUE DIVISIONAL OFFICER ,
PALA-686 575.**
- 3. THE TAHSILDAR ,
TALUK OFFICE, VAIKOM-686 141.**
- 4. THE VILLAGE OFFICER,
KADUTHURUTHI VILLAGE OFFICE, KADUTHURUTHI,
KOTTAYAM-686 004.**
- 5. SIMON P.J.
PULLANKUNNEL HOUSE, MANJOOR VILLAGE
ERAVIMANGALAM P.O., MUTTUCHIRA, KOTTAYAM-686 613.**

**R1-4 BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
R5 BY ADV. SRI.J.JULIAN XAVIER
R5 BY ADV. SRI.FIROZ K.ROBIN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 20725 of 2014 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : PHOTOGRAPHS SHOWING THE PATHWAY DURING RAINY SEASON.**
P2 : COPY OF THE COMPLAINT GIVEN BY SINI JOSEPH OBTAINED UNDER R.I.ACT
DTD.4.2.2013.
P3 : COPY OF THE COMPLAINT DTD.6.7.2013.
P4 : COPY OF THE ORDER DTD.27.4.2013 OBTAINED UNDER R.I. ACT.
P5 : COPY OF THE ORDER DTD.13.6.2013.
P6 : COPY OF THE ORDER DTD.7.8.2013.
P7 : COPY OF THE ORDER DTD.28.12.2013.

RESPONDENT(S)' EXHIBITS: NIL

OKB

//TRUE COPY//

P.A. TO JUDGE

K.HARILAL, J.

W.P(C). No.20725 of 2014

Dated this the 9th day of February, 2015

JUDGMENT

It is the case of the petitioner that the 5th respondent illegally reclaimed the paddy field purchased by him in the year 2008 and resultantly the entire area has become waterlogged during rainy season. The petitioner and one Mrs. Sini Joseph, who is residing on the eastern side of the property of the 5th respondent, submitted complaints before the revenue authorities. In response to the said complaints, the 2nd respondent conducted a site inspection and found that the 5th respondent filled up the paddy field above the ground level of the adjacent land which could cause water stagnation in the area during rainy season. Therefore, the 5th respondent was directed to level the soil not higher than the property of the neighbours and remove the surplus soil. Thereafter, on 13/6/2013 the 2nd respondent directed the Secretary, Kaduthuruthy Grama Panchayat not to number the building if constructed by the 5th respondent. The 2nd respondent granted 45 days time from 15/8/2013 for compliance of the said order. But despite the lapse of time, the 5th respondent did not

comply with the order passed by the 2nd respondent. Under the above circumstances, the petitioner approached this Court seeking a direction to the respondents 1 to 4 to take effective steps to implement Ext.P7 order passed by the 2nd respondent.

2. Learned Government Pleader on instruction submits that statutory revision, Crl.R.P.No.5/2014 challenging Ext.P7 order is pending before the Sessions Court, Kottayam. Due to the pendency of the revision petition, direction in Ext.P7 order cannot be enforced with police aid.

3. Having regard to the fact that statutory revision filed by the 5th respondent is pending before the Sessions Court, Kottayam, that court is directed to dispose the said revision within a period of three months from the date of receipt of a copy of this judgment. The Registry is directed to send a copy of this judgment to the District & Sessions Court, Kottayam.

This writ petition is disposed of accordingly.

Sd/-
(K.HARILAL, JUDGE)

okb.