

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 25365 of 2013 (U)

PETITIONER(S):

**M.A.JOSE, AGED 46 YEARS,
S/O.ANTHONY, MEENCHERI HOUSE, KODASSERY VILLAGE,
MUKUNTHAPURAM THALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.K.S.RAJESH
SRI.M.SHAJU PURUSHOTHAMAN**

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER,
MAINTENANCE TRIBUNAL, THRISSUR, CIVIL STATION,
AYYANTHOLE, THRISSUR, PIN-680 003.**
- 2. THE VILLAGE OFFICER,
KODAKARA VILLAGE OFFICE, THRISSUR DISTRICT,
PIN-680 684.**
- 3. LEEMA,
W/O.SHABU, MALPPAN, CHAUKKA DESOM,
ELANJIPRA, MUKUNTHAPURAM THALUK, THRISSUR DISTRICT,
PIN-680 721.**
- 4. SHABU,
MALPPAN, CHAUKKA DESOM, ELANJIPRA,
MUKUNTHAPURAM THALUK, THRISSUR DISTRICT, PIN-680 721.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R3 & R4 BY SRI.RENJITH THAMPAN, SENIOR ADVOCATE
ADV. SMT.P.R.REENA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25365 of 2013 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE COMPLAINT DATED 14.06.2013 FILED BY THE
PETITIONER.**

**EXT.P2: TRUE COPY OF THE REPORT DATED 20.6.2013 FILED BY THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 25365 of 2013

Dated this the 21st day of January, 2015

JUDGMENT

The grievance of the petitioner is with regard to the callous inaction on the part of the 1st respondent in taking appropriate steps pursuant to Ext.P1 complaint preferred by the petitioner on 14.06.2013.

2. The case of the petitioner is that, the agricultural operations in the property of the petitioner are quite adversely affected because of the adverse activities being pursued by the respondents 3 and 4 who have allegedly filled up the nearby paddy land. It is sought to be remedied by filing Ext.P1 complaint.

3. Pursuant to Ext.P1, a report was called for from the second respondent and as per Ext.P2 dated 20.6.2013, a report has been submitted by the second respondent in support of the contention taken by the petitioner. The prayer is to cause the same to be finalized.

4. Pursuant to the notice on admission ordered by this

Court, the 4th respondent has appeared and filed a counter affidavit also on behalf of the 3rd respondent stating that, no unauthorized activities have been pursued by them, simultaneously adding that their property is not a paddy land but a reclaimed land, having effected the reclamation more than two decades ago. The learned Senior Counsel for the respondents 3 and 4 also points out that, if the case projected by the petitioner is with reference to the infringement of the Act 28 of 2008, the competent authority to deal with the issue is none other than the District Collector, who is not in the party array. It is also pointed out that, the petitioner admittedly has approached the Civil Court and O.S. No. 2148 of 2013 preferred against respondents 3 and 4 seeking for injunction to restrain them from effecting any construction on the western boundary causing obstruction to the natural flow of water is pending.

5. Heard the learned Government Pleader as well.

6. After hearing both the sides, this Court does not intend to adjudicate the issue on merits, in view of the limited prayer of the petitioner to cause Ext.P1 to be considered with notice to

both the sides. Accordingly, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P1 after giving an opportunity of hearing to the petitioner, respondents 3 and 4 and other interested parties, if any, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-