

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 23257 of 2014 (F)

PETITIONER(S) :

- 1. MUNEERA, AGED 35 YEARS,
D/O.MOIDEEN, CONGAYIL HOUSE, PERINGAVU P.O.,
PUTHUCODE, MALAPPURAM DISTRICT.**
- 2. SAFEERA, AGED 33 YEARS,
CONGAYIL HOUSE, PERINGAVU P.O., PUTHUCODE,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO DEPARTMENT OF
AGRICULTURE, SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. THE COMMISSIONER FOR AGRICULTURAL DEVELOPMENT
AND PRINCIPAL SECRETARY, DEPARTMENT OF AGRICULTURE,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 3. THE AGRICULTURAL OFFICER,
CONVENER, LOCAL LEVEL MONITORING COMMITTEE,
CONSTITUTED UNDER THE PROVISIONS OF KERALA CONSIDERATION
OF PADDY LAND & WET LAND ACT, CHERUKAVU GRAMAPANCHAYATH,
MALAPPURAM DISTRICT- 687 316.**

BY GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE SALE DEED NO.4385/13 DATED 27.08.2013 OF
SUB REGISTRAR OFFICE, KONDOTTY.**

EXHIBIT P1(A): TRUE COPY OF TAX RECEIPT DATED 02.12.2013.

**EXHIBIT P1(B): TRUE COPY OF THE POSSESSION CERTIFICATE
DATED 02.12.2013.**

**EXHIBIT P2: TRUE COPY OF THE PHOTOGRAPHS (4 NOS) SHOWING
THE NATURE OF THE PROPERTY AND THE SURROUNDINGS
PROPERTIES.**

EXHIBIT P3: TRUE COPY OF THE ORDER NO.CKB 10/13-14 DATED 19.12.2013.

**EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 25.01.2014
SUBMITTED BEFORE THE HON'BLE MINISTER.**

**EXHIBIT P5: TRUE COPY OF THE ORDER NO.6595/NCA 3/2014/AGRICULTURE
DATED 30.07.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 23257 of 2014 (F)

Dated this the 11th day of June, 2015

J U D G M E N T

The writ petition was necessitated only because the petitioners had initiated a totally wrong proceeding before authorities, who did not have any jurisdiction to decide on the issue raised and grievance ventilated.

2. The petitioners are sisters, in whose name, allegedly their father purchased a property having an extent of 6.3 cents. The property having been described as 'nilam', the petitioners were before the Local Level Monitoring Committee (hereinafter referred to as 'LLMC') seeking a recommendation for construction of a residential house. The Agricultural Officer, who is the Convenor, issued a letter to the petitioners, produced at Ext.P3, finding that the conversion sought for cannot be conducted, after purportedly discussing it in the LLMC.

3. In fact, the Agricultural Officer, in that capacity, could not have either made a recommendation or refused it. It was for the LLMC, the Convenor of which is the Agricultural Officer, to consider the issue. The petitioners then chose to approach the Agricultural Minister, who forwarded it to the Secretary, who rejected it by Ext.P4. The procedure prescribed under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (hereinafter referred to as the 'Paddy Land Act') is to make an application before the LLMC in the prescribed form and it is for the LLMC to make a recommendation, on which the District Level Committee has to take a decision. There are also remedies provided against an adverse order so passed; none of which was availed by the petitioners.

4. The petitioners definitely would be left with such remedies available to them under the Paddy Land Act. The letters at Exts.P3 and P5 would be of no consequence since the LLMC would have to consider the issue and make a

recommendation either in favour or against. The petitioners also have a contention that the petitioners' father had purchased the property for building a residence for himself and their mother. The property was purchased in the name of the daughters only to ensure that on the father's death the entire property would devolve on his daughters; for reason of succession under the Muslim Law, dis-entitling the daughters from the entire assets. Such contention also would have to be looked into by the LLMC. The petitioner would also be entitled to take up a contention that the property was reclaimed prior to the Paddy Land Act.

The writ petition would stand disposed of leaving the remedy available to the petitioner under the Paddy Land Act.

Sd/-
K.VINOD CHANDRAN,
JUDGE