

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 24622 of 2014 (C)

PETITIONER(S) :

**GENTLEMEN'S CLUB(G.M'S CLUB),
PAVATHUR P.O, ANNAKARA VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT, REGISTERED UNDER THE TRAVANCORE
COCHIN LITERARY, SCIENTIFIC & CHARITABLE SOCIETIES ACT 1955,
REPRESENTED BY ITS PRESIDENT C.A.JAMES.**

BY ADV. SRI.RAJIT

RESPONDENT(S) :

- 1. DISTRICT COLLECTOR,
THRISSUR, COLLECTORATE, AYYANTHOLE, THRISSUR- 680 003.**
- 2. REVENUE DIVISIONAL OFFICER,
COLLECTORATE, AYYANTHOLE, THRISSUR- 680 003.**
- 3. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, CHAVAKKAD, THRISSUR- 680 506.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
MULLASSERY GRAMA PANCHAYAT, CHAVAKKAD, THRISSUR- 680 509.**
- 5. MULLASSERY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, ANNAKARA VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT- 680 508.**
- 6. VILLAGE OFFICER,
ANNAKARA VILLAGE OFFICE, CHAVAKKAD TALUK, THRISSUR- 680 508.**
- 7. THE AGRICULTURAL OFFICER,
KRISHIBHAVAN, MULLASSERY, P.O.PERUVALLUR,
THRISSUR DISTRICT- 680 508.**
- 8. ANNAKKARAPADAM (REGD.NO.809/91),
VADAKKE KOLEPADAVE, P.O. PERUVALLUR, THRISSUR DISTRICT,
REP. BY ITS SECRETARY- 680 508.**

**R1 TO R4, R6 & R7 BY SPL.GOVERNMENT PLEADER SRI.P.K.SOYUZ
R5 BY ADVS. SRI.V.BINOY RAM
SRI.K.D.BABU(KOTTACKAL)
R8 BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE)
ADV. SMT.P.R.REENA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE DOCUMENT NO.1606/2010 DATED 10-07-2010.
- EXT.P2: TRUE COPY OF THE COMPLAINT FILED BY THE PRESIDENT OF THE 8TH RESPONDENT BEFORE THE REVENUE DIVISIONAL OFFICER DATED 27-12-2004.
- EXT.P3: TRUE COPY OF THE REPORT AND MAHAZAR SUBMITTED BY THE 6TH RESPONDENT TO THE 3RD RESPONDENT DATED 25-01-2005
- EXT.P4: TRUE COPY OF THE REPORT DATED 25-02-2005 SUBMITTED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P5: TRUE COPY OF THE COMPLAINT FILED BY THE 8TH RESPONDENT BEFORE THE 3RD RESPONDENT DATED 05-05-2006.
- EXT.P6: TRUE COPY OF THE DATA BANK ISSUED BY THE 7TH RESPONDENT.
- EXT.P7: TRUE COPY OF THE BUILDING PERMIT SANCTION BY THE 4TH RESPONDENT.
- EXT.P8: TRUE COPY OF THE LETTER DATED 21-02-2011 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXT.P9: TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT ON 12-04-2012.
- EXT.P10: TRUE COPY OF THE REPORT SUBMITTED BY THE VILLAGE OFFICER DATED 02-05-2013.
- EXT.P11: TRUE COPY OF THE REPORT DATED 21-06-2013 SUBMITTED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P12: TRUE COPY OF THE REPORT DATED 25-09-2013 SUBMITTED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P13: TRUE COPY OF THE COMPLAINT DATED 19-04-2013 SUBMITTED BY THE 8TH RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P14: TRUE COPY OF THE REPORT FILED BY THE 6TH RESPONDENT DATED 02-05-2013 BEFORE THE 2ND RESPONDENT.
- EXT.P15: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 24-02-2014 IN R.P.NO.1048/2013 AND CONNECTED CASES.
- EXT.P16: TRUE COPY OF THE STATEMENT FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P17: TRUE COPY OF THE ORDER NO.B11-34576/2010 DATED 14-08-2014.
- EXT.P18: TRUE COPY OF THE PHOTOSTAT OF THE PHOTOGRAPHS OF THE PROPERTY OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R8(A): TRUE COPY OF THE LETTER DATED 29.12.2012 OF
THE DIRECTOR OF AGRICULTURE, THIRUVANANTHAPURAM.
- EXHIBIT R8(B): TRUE COPY OF THE RECEIPT OBTAINED FROM THE VILLAGE
OFFICER DATED 04.02.2011.
- EXHIBIT R8(C): TRUE COPY OF THE RECEIPT OBTAINED FROM THE REVENUE
DIVISION OFFICER DATED 13.02.2012.
- EXHIBIT R8(D): TRUE COPY OF THE RECEIPT OBTAINED FROM THE OFFICE OF
THE HON'BLE AGRICULTURAL MINISTER.
- EXHIBIT R8(E): TRUE COPY OF THE RECEIPT OBTAINED FROM TAHSILDAR,
TALUK OFFICE CHAVAKKAD DATED 24.09.2013.
- EXHIBIT R8(F): TRUE COPY OF THE LETTER DATED 16.11.2012 OF
THE PRINCIPAL AGRICULTURAL OFFICER OF
THE PANCHAYATH.
- EXHIBIT R8(G): TRUE COPY OF THE REPORT DATED 02.05.2013 OF
THE AGRICULTURAL OFFICER TO REVENUE DIVISIONAL
OFFICER.
- EXHIBIT R8(H): TRUE COPY OF THE REPORT DATED 24.09.2013 OF
THE AGRICULTURAL OFFICER TO REVENUE DIVISIONAL
OFFICER.
- EXHIBIT R8(I): TRUE COPY OF THE NOTICE DATED 04.05.2013 OF
THE PANCHAYATH TO THE PRESIDENT OF PETITIONER CLUB.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 24622 of 2014

Dated this the 19th day of January, 2015

J U D G M E N T

Being aggrieved of Ext.P17 order passed by the 1st respondent dated 14.08.2014, ordering restoration of the property which is stated as a 'paddy land' as defined under Section 13 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008, the petitioner has approached this Court by filing this writ petition, raising many contentions to the effect that, the property is not actually 'paddy land' or 'wet land' and that the provisions of the said Act are not applicable to the case in hand.

2. Heard the learned Government Pleader appearing for the respondents 1 to 4, 6 & 7, Sri.Renjith Thampan (Senior) appearing for the 8th respondent and Sri.Binoy Ram.V., appearing for the 5th respondent.

3. After hearing both the sides, this Court finds that, the petitioner is having an effective alternative remedy by way of Revision before the State Government, by virtue of the mandate under Section 28 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. In the said circumstances, the petitioner is relegated to approach the State Government

represented by the Secretary to the Department of Agriculture. If any such Revision Petition is filed within 'two weeks' from the date of receipt of a copy of this judgment, the same shall be treated as a valid petition and appropriate orders shall be passed on merits, in accordance with law, after hearing the petitioner, the 5th respondent and also the 8th respondent herein, at the earliest, at any rate within three months from the date of receipt of a copy of this judgment. 'Status quo' shall be maintained till such time. So as to facilitate such exercise, the State of Kerala, represented by the Secretary to the Department of Agriculture, is *suo motu* impleaded in the party array as the additional 9th respondent and the Special Government Pleader entered appearance on behalf of the said respondent as well.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE