

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 25162 of 2014 (U)

PETITIONER(S):

1. KAMAL LOUIS,
KANNIPARAMBIL HOUSE, VADUTHALA.
2. COLLINS,
KANNIPARAMBIL HOUSE, VADUTHALA.
3. SOFIA KAMAL LOUIS,
KANNIPARAMBIL HOUSE, VADUTHALA.
4. DIXY COLLIN,
KANNIPARAMBIL HOUSE, VADUTHALA.

**BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE**

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, AYYANTHOLE
THRISSUR-680003.
3. THE TAHSILDAR, THRISSUR-680001.
4. THE VILLAGE OFFICER,
VALLIVATTOM VILLAGE, THRISSUR-680121.

BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 25162 of 2014 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE STOP MEMO DATED 1.2.2013 OF THE 4TH RESPONDENT.**
- P2: COPY OF THE JUDGMENT DATED 28.11.2013 IN WPC NO.14359/2013 OF THIS HON'BLE COURT.**
- P3: COPY OF THE ORDER DATED 3.3.2014 OF THE 2ND RESPONDENT.**
- P4: COPY OF THE REVIEW PETITION DATED 18.7.2014 SUBMITTED TO THE 2ND RESPONDENT.**
- P5: COPY OF THE RELEVANT PAGE OF THE DRAFT DATA BANK.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.25162 OF 2014
.....

Dated this the 13th January, 2015

J U D G M E N T

Challenging Ext.P1 Stop memo dated 01.02.2013 issued by the 4th respondent/Village Officer, the petitioners had approached this Court earlier by filing W.P.(C)14359 of 2013, which was disposed of as per Ext.P2 judgment , whereby the contention raised by the petitioners to the effect that the property of the petitioners is not a paddy land or wet land as defined under Section 2(xii) or 2(xviii) of the Act 28 of 2008 was recorded and the matter was required to be examined in the manner as specified therein. If the property was not forming part of the paddy land or wet land, the matter had to be considered in terms of Clause (6) of KLU and it was accordingly that the concerned respondent was directed to consider and finalise the application preferred by the petitioners under KLU within the specified time, as per Ext.P2 judgment. Pursuant to the said judgment, the matter was considered by the second respondent herein/District Collector, who passed Ext.P3 order wherein it has been specifically observed that the property is not one which was reclaimed by filling the paddy land. In spite of the above

observation, an adverse order was passed against the petitioners referring to the provisions of Act 28 of 2008, which according to the petitioners is self contradictory and is liable to be intercepted by this Court. Met with the circumstances, the petitioners have already moved the second respondent/District Collector by way of Ext. P4 Review Petition, which is pending for more than six months. The prayer is to cause the same to be considered and finalised within a reasonable time. The learned Counsel for the petitioners also places reliance on Ext.P5, copy of the relevant page of the Data Bank Register, wherein the petitioners' property has not been included as paddy land or wetland.

2. Heard the learned Government Pleader as well. No counter affidavit has been filed from the part of the respondents.

3. Considering the limited extent of relief sought for , this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of, directing the second respondent/District Collector to consider and pass appropriate orders on Ext.P4 in accordance with law, after affording an opportunity of hearing to the petitioners , which shall be done at the earliest, at any rate, within six weeks from the date of receipt

of a copy of the judgment.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the second respondent/District Collector for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k