

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C) .No. 30295 of 2013 (J)

PETITIONERS:

1. LATHEEF KUNJU, AGED 49 YEARS
SON OF RUKIYA UMMA, CHEMATHARAYIL HOUSE
THODIYOOR NORTH, THODIYOOR VILLAGE
KARUNAGAPPALLY TALUK, KOLLAM-690523.
2. RAHIYANATHU, AGED 47 YEARS
W/O.LATE JALALUDEEN, PALAVILAYIL
KALLELIBHAGOM VILLAGE, KARUNAGAPPALLY TALUK
KALLELIBHAGOM P.O., KOLLAM-690519.

BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH
SRI.RAAJESH S.SUBRAHMANIAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR
COLLECTORATE, KOLLAM-691001.
2. THE ADDITIONAL TAHSILDAR
KARUNAGAPPALLY, KOLLAM-690518.
3. THE VILLAGE OFFICER
KARUNAGAPPALLY, KOLLAM-690518.
4. THE AGRICULTURAL OFFICER
KRISHIBHAVAN, KARUNAGAPPALLY, KOLLAM 690518.

R BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL

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

WP(C) .No. 30295 of 2013 (J)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE PHOTOGRAPHS OF THE PROPERTY.

EXHIBIT-P2: TRUE PHOTOSTAT COPY OF THE INFORMATION PROVIDED BY THE
4TH RESPONDENT, DATED 05.11.2013.

RESPONDENT(S) ' EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

SCL.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C) No. 30295 of 2013

Dated this the 2nd day of February, 2015.

JUDGMENT

Alleging that the third respondent has issued a direction to the petitioner not to do any activity in the property on the allegation that he has illegally reclaimed his property violating the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, the petitioner has come up before this Court.

2. The petitioner is a registered owner of 27.65 Ares of the property comprised in Re-Sy.Nos.228/7 and 228/9 of Karunagappally Village, which according to the petitioner is a garden land having coconut trees and other trees of aged around 40 years. It is also stated that all the neighbouring properties are already reclaimed a long ago and many buildings including a school building have come up. He also points out that the property is not included in the data bank as nilam. Therefore, the petitioner seeks a direction from this Court against respondents 1 to 3 not to proceed against the

aforesaid property under the aforesaid Act.

3. Today, when the matter came up for hearing, the learned Senior Government Pleader submitted that as per the report received from the Tahasildar, the property is not included in the data bank.

4. The learned counsel for the petitioner invited my attention to Ext.P1 series photographs, which would indicate that the property is having aged coconut trees. It would justify the non-inclusion of the property in the data bank.

On a consideration of the entire material now placed on record, this writ petition is disposed of, directing respondents not to proceed against the petitioner under the Kerala Conservation of Paddy Land and Wet Land Act.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

Scl.