

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 32420 of 2014 (B)

PETITIONER(S) :

**ABDUL HAMEED V.M., AGED 56 YEARS,
S/O.MUHAMMED, VALAMKOTIL HOUSE, THRIKKAKARA P.O.,
VALLATHOL JUNCTION, ERNAKULAM DISTRICT - 682 021.**

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

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO DEPARTMENT OF AGRICULTURE,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANADU,
ERNAKULAM- 682 030.**
- 3. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, THE CHAIRMAN OF DISTRICT LEVEL MONITORING
COMMITTEE CONSTITUTED, UNDER KERALA CONSERVATION OF PADDY
LAND AND WETLAND ACT, 2008.**
- 4. THE TAHASILDAR,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT- 682 030.**
- 5. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, KIZHAKKAMBALAM, ERNAKULAM DISTRICT
(CONVENER OF LOCAL LEVEL COMMITTEE CONSTITUTED UNDER KERALA
CONSERVATION OF PADDY LAND AND WET LAND ACT, 2008)**

BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE DOCUMENT NO. 1340/98 DATED 31.03.1998 9F SUB REGISTRAR'S OFFICE, PUTHENKURISU.**
- P1(A): TRUE COPY OF THE DOCUMENT NO. 5024/1998 DATED 14.12.1998 OF SUB REGISTRAR'S OFFICE, PUTHENKURISU.**
- P2: TRUE COPY OF THE TAX RECEIPTS NO. 4444628 DATED 07.01.2013.**
- P2(A): TRUE COPY OF THE TAX RECEIPTS NO. 4444629 DATED 07.01.2013.**
- P3: TRUE COPY OF THE CERTIFICATE ISSUED BY THE 5TH RESPONDENT ON 08.01.2002.**
- P3(A): TRUE COPY OF THE CERTIFICATE DATED 24.11.2014 ISSUED BY THE ASSISTANT ENGINEER, ELECTRICAL SECTION, KIZHAKAMBALAM.**
- P4: TRUE PHOTOGRAPHS (4 NOS) EVIDENCING.**
- P5: TRUE COPY OF THE REPRESENTATION DATED 07.09.2012.**
- P6: TRUE COPY OF THE REPLY BEARING NO. G4-3620/14 DATED 17.03.2014 ISSUED BY THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 32420 of 2014

Dated this the 8th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Declare that the properties of the petitioner, having an extent of 1 acre and 6 cents of land comprised in Re-Sy. No. 498/5, 498/8-2, 498/9-2 and 498/9-3 in Pattimattom Village, Kunnathunadu taluk in Ernakulam District, covered by Ext.P1 and P1(a) sale deeds are not paddy lands as defined under Section 2(xii) of the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

ii. Issue a writ of mandamus or any other appropriate writ or order directing the 5th respondent to consider the grievance of the petitioner highlighted in Ext.P5, in the light of the physical condition of the land comprised in Re Sy No. 498/5, 498/8-2, 498/9-2 and 498/9-3 in Pattimattom Village, Kunnathunadu taluk in Ernakulam District."

2. When the matter is taken up for consideration, the learned counsel for the petitioner submits that the grievance of the petitioner has also been projected by way of Ext.P5 representation which is pending consideration before the 2nd respondent and that the petitioner will be satisfied, if a direction is given to the said respondent to consider and dispose of the same within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to go into the merits of the case. In the said circumstance, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P5 in accordance with law, after affording an opportunity of hearing to the petitioner and such other interested parties, at the earliest, at any rate, within 'three months' 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/-