

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 32633 of 2014 (D)

PETITIONERS:

1. **SNEHA VARGHESE,**
D/O.VARGHESE GEORGE, MARUKOYICKAL VEEDU, VADAKKEKARA
KIZHAKKUMMURI, PALLIPADU VILLAGE.
2. **JITHIN K JOHN**
S/O.BABY JOHN, KALEEKAL, EEREZHA VADAKKUMMURI
KANNAMANGALAM VILLAGE.
3. **JINO MARY**
D/O.BABY JOHN, KALEEKAL, EERAZHA VADAKKUMMURI
KANNAMANGALAM VILLAGE.

BY ADVS.SRI.R.KRISHNA RAJ
SRI.BIJITH S.KHAN

RESPONDENTS:

1. **THE DISTRICT COLLECTOR**
COLLECTORATE, ALLEPPY-685001.
2. **REVENUE DIVISIONAL OFFICER**
OFFICE OF THE REVENUE DIVISIONAL OFFICER.
CHENGANNUR-689121.
3. **VILLAGE OFFICER**
OFFICE OF THE VILLAGE OFFICER, PALLIPADU-690512.

*** ADDL.R4 IMPLEADED**

4. **STATE OF KERALA,**
REPRESENTED BY SECRETARY TO AGRICULTURE DEPARTMENT.

ADDL.R4 IS SUO MOTU IMPLEADED AS PER JUDGMENT DT.16/1/2015

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOUZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- COPY OF THE MINUTES OF THE LOCAL COMMITTEE DTD 28/2/2014**
- P2:- COPY OF THE RECOOMMENDATION OF THE COMMITTEE DTD 3/3/2014**
- P3:- COPY OF THE RECOMMENDATION OF THE COMMITTEE DTD 3/3/2014**
- P4:- COPY OF THE RECOMMENDATION OF THE COMMITTEE DTD 3/3/2014**
- P5:- COPY OF THE ORDER OF THE IST RESPONDENT DTD 12/11/2014**
- P6:- COPY OF THE SALE DEED NO 1187/2013 DTD 28/6/2013**
- P7: COPY OF THE SALE DEED NO 1188/2013 DTD 28/6/2013**
- P8: COPY OF THE SALE DEED NO 1189/2013 DDTD 28/6/2013**
- P9:- COPY OF JUDGMENT IN WA NO 41/2012 DTD 18/1/2012**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 32633 of 2014

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Dated, this the 16th day of January, 2015

JUDGMENT

The petitioner is challenging the correctness and sustainability of Ext. P5 order passed by the first respondent whereby restoration of the property has been ordered, stating that it is a paddy land. The contention of the petitioner is that property belonging to the petitioner is not at all a paddy land, but a reclaimed land and as such, the provisions of the Act 28 of 2008 is not applicable to the case in hand. Hence the challenge.

2. Heard the learned Government Pleader as well.

3. In view of the disputed facts, true state of affairs is to be ascertained with reference to the relevant records. This course can be pursued by availing the statutory remedy as provided under Section 28 of the Act. As per the said provision, the petitioner is having effective alternative remedy before the Government. Accordingly, the State of Kerala represented by the Secretary to Agricultural Department is 'suo motu' impleaded as the additional 4th respondent. The learned Government Pleader enters appearance on

behalf of the said respondent as well. The petitioner is relegated to avail the statutory remedy before the addl. 4th respondent.

4. If any revision petition is filed within 'two weeks' from the date of receipt of a copy of this judgment, the same shall be considered and appropriate orders shall be passed by the addl. 4th respondent, in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within three months thereafter. 'Status quo' shall be continued till finalization of the proceedings as above.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the addl. 4th respondent respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd