

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 34063 of 2014 (G)

PETITIONER(S):

1. SUNIL THOMAS,AGED 41 YEARS,
S/O.THOMAS JOSEPH, VADAKKE ATTATHU HOUSE,
KARUVATTA VADAKKUM MURI, KARUVATTA VILLAGE,
THOTTAPPALLY P.O., KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT.
2. MINI SUNIL, AGED 40 YEARS,
W/O.SUNIL THOMAS, VADAKKE ATTATHU HOUSE,
KARUVATTA VADAKKUM MURI, KARUVATTA VILLAGE,
THOTTAPPALLY P.O., KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
COLLECTORATE, ALAPPUZHA-688 001.
2. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR, ALAPPUZHA-688 001.
3. THE ADDITIONAL TAHSILDAR,
KARTHIKAPPALLY, HARIPAD, ALAPPUZHA-688 001.
4. THE VILLAGE OFFICER,
KARUVATTA, AMBALAPPUZHA, ALAPPUZHA-688 001.
5. THE AGRICULTURAL OFFICER,
KARUVATTA, AMBALAPPUZHA, ALAPPUZHA-688 001.

*ADDL.R6 IMPEADED

*ADDL.R6: STATE, REP. BY SECRETARY TO AGRICULTURE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

*IS SUO MOTU IMPEADED AS PER JUDGMENT DATED 11/03/2015.

BY GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

WP(C).No. 34063 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE TAX RECEIPT FOR THE YEAR 2014-15.**
- P2 SERIES: COPIES OF THE PHOTOGRAPHS INDICATING THE EXACT NATURE OF THE PROPERTY.**
- P3: COPY OF THE ORDER NO.C8-17051/14 DATED 17/9/2014 OF THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

- R1(A): COPY OF THE RELEVANT PAGE OF DATA BANK.**

/TRUE COPY/

P.S.TO.JUDGE

sts

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.34063 OF 2014
.....

Dated this the 11th March, 2015

J U D G M E N T

The petitioners have approached this Court challenging the correctness and sustainability of Ext.P3 order passed by the first respondent /District Collector ordering restoration of the property invoking the power and procedure under Section 13 of the Kerala Conservation of Paddy Land and Wet Land Act 2008 .

2. Heard the learned Spl. Government Pleader as well, who points out that the petitioners have rushed to this Court without exhausting the alternate remedy as provided under the statute, particularly by way of Revision under Section 28 of the Act.

3. In the said circumstance, this Court finds that the fact adjudication has to be done by the statutory authority. As such, the petitioners are relegated to pursue the remedy under Section 28 of the Act, before the competent authority (i..e. State represented by the Secretary to the Department of Agriculture, Secretariat,. Thiruvananthapuram). If any such Revision is filed within two weeks from the date of receipt of a copy of this judgment, the competent authority shall consider the same and

appropriate orders shall be passed in accordance with law, after affording an opportunity of hearing to the petitioners at the earliest, at any rate. within three months thereafter. So as to facilitate such exercise, ***the State, represented by the Secretary to Dept. of Agriculture, Secretariat, Thiruvananthapuram*** is suo motu impleaded as additional 6th respondent and the learned Spl. Government Pleader entered appearance for the said respondent.

Interim order already passed by this Court will continue till such time. The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the additional respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

Ik