

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 34182 of 2014 (W)

PETITIONER:

**K.R.BAIJU,
S/O. LATE BHASKARAN, KARUVATH HOUSE, MANGAD,
KOTTAPPURAM POST, THALAPPILLY, THRSUR DISTRICT.**

**BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION,
THRISSUR-680 001.**
- 2. THE REVENUE DIVISIONAL OFFICER/CHAIRMAN OF THE
DISTRICT LEVEL AUTHORIZED COMMITTEE,
CIVIL STATION, THRISSUR-680 001.**
- 3. THE DEPUTY DIRECTOR OF AGRICULTURE (WM),
PRINCIPAL AGRICULTURAL OFFICE, TRISSUR-680 020.**
- 4. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, ERUMAPETTY P.O.-680 584.**
- 5. THE TAHASILDAR,
THALAPPILLY TALUK OFFICE, THRISSUR-680 584.**
- 6. THE VILLAGE OFFICER,
KOTTAPPURAM VILLAGE OFFICE, KOTTAPURAM P.O.,
THRISSUR-680 584.**

R1 TO R6 BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 34182 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE SALE DEED NO.1700/22008 OF THE ERUMAPETTY SUB REGISTRY.**
- EXHIBIT P2- TRUE COPY OF THE PATTA NO.LA3-7/90.**
- EXHIBIT P3- TRUE COPY OF THE DEATH CERTIFICATE OF FATHER OF THE PETITIONER.**
- EXHIBIT P4- TRUE COPY OF THE RELEVANT PAGE OF THE RATION CARD OF THE PETITIONER.**
- EXHIBIT P5- TRUE PHOTOGRAPHS SHOWING THE ACTUAL NATURE AND LIE OF THE PROPERTY AND THE AREA.**
- EXHIBIT P6- TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT VIDE NO.TA(2) 2818/2014 (R8) DATED 20-8-2014.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.34182 of 2014

Dated this the 7th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of certiorari or any other writ or order quashing Exhibit-P6 holding the same as illegal.

ii) Issue a writ of mandamus or any other writ, order of direction directing the 4th respondent to conduct the site inspection and ascertain the present lie and nature of the property of the petitioner and then to forward their recommendation to the 2nd respondent within a time frame as directed by this Hon'ble Court.

iii) Issue a writ of mandamus or any other writ, order of direction directing the 2nd respondent to reconsider the application of the petitioner for leveling his sole 5 cents of property, after ascertaining the present nature and lie of the said property and untrammelled by any other observations to the contrary and on the basis of the fresh recommendations made by the 4th respondent.

iv) Issue an interim order staying the implementation and operation of Exhibit-P6 pending disposal of the Writ Petition.

And

v) Issue such other writ, order or directions that may deem fit and proper in the circumstances of the case."

2. The learned counsel for the petitioner submits that, the vital aspects pointed out by the petitioner before the Local Level Monitoring Committee and forming the part of the records have

been omitted to be considered by the District Level Committee while passing Ext.P6 order dated 20.08.2014, which in turn is under challenge. By virtue of the course and events flowing from Ext.P6, the application submitted by the petitioner for permission to carry out the filling operation of 5 cents of 'paddy land' stands declined. The observations made by the authority in Ext.P6 are contrary to the actual facts and figures and hence the challenge.

3. Opposing the relief sought for, the learned Government Pleader points out that, the petitioner, if aggrieved, is having an effective alternative remedy by way of appeal before the District Collector under Section 9(6) of the Kerala Conservation of Paddy Land and Wet Land Act.

In the said circumstances, the petitioner is relegated to move the 1st respondent by filing an appeal, if aggrieved. If any such appeal 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 in accordance with law on merits, after affording an opportunity of hearing to the petitioner, which exercise shall be completed at the earliest, at any rate,

within 'two months' from the date of receipt of the appeal as aforesaid.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 1st respondent, for further steps.

The writ petition is disposed of.

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

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