

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. 34619 of 2014 (B)

PETITIONER(S):

1. ALICE STANLEY, AGED 61,
W/O.LATE STANLEY, MARAPARAMBIL HOUSE, VARAPUZHA,
ERNAKULAM.
2. MANOJ STANLEY, AGED 37,
S/O.LATE STANLEY, MARAPARAMBIL HOUSE, VARAPUZHA,
ERNAKULAM.
3. BINOY STANLEY, AGED 33,
S/O.LATE STANLEY, MARAPARAMBIL HOUSE, VARAPUZHA,
ERNAKULAM

BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH

RESPONDENT(S):

1. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI, ERNAKULAM - 682 001.
2. THE VILLAGE OFFICER,
CHERANALLOOR VILLAGE, ERNAKULAM - 682 034.
3. BHUVANAN, AGED ABOUT 40 YEARS,
S/O.KESAVAN, UNNIYATTU HOUSE, BLAYIKADAVU ROAD,
CHERANALLOOR, KOCHI-34.
4. VINODH, AGED ABOUT 38 YEARS,
S/O.KESAVAN, UNNIYATTU HOUSE, BLAYIKADAVU ROAD,
CHERANALLOOR, KOCHI-34
5. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, CHERANALLOOR - 682 034.

R1, R2 & R5 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

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

msv/

WP(C).No. 34619 of 2014 (B)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: THE TRUE COPY OF THE RELEVANT PAGE OF THE THANDAPER REGISTER
OF THE PROPERTY OF THE PETITIONERS.**

**EXT.P2: THE TRUE COPY OF THE LAND TAX PAYMENT RECEIPT ISSUED BY THE
VILLAGE OFFICER, CHERANALLOOR.**

**EXT.P3: THE COPY OF THE ORDER DATED 2.2.2011 IN WP(C) NO.3092/2011 OF THE
HIGH COURT OF KERALA.**

**EXT.P4: THE COPY OF THE STATEMENT OF OBJECTION FILED BY THE PETITIONERS
BEFORE THE 1ST RESPONDENT.**

**EXT.P5: THE COPY OF THE REPORT SUBMITTED BY THE 5TH RESPONDENT
BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

P.R. RAMACHANDRA MENON, J.
=====

W.P.(C). No. 34619 of 2014
=====

Dated this the 7th day of January, 2015

JUDGMENT

The petitioner is very much aggrieved of the issuance of a Stop Memo by the 2nd respondent as instructed by the 1st respondent pursuant to Ext.P3 interim order dated 02.02.2011 passed in WP(C) No.3092/2011, when the petitioner was carrying out certain constructions in the property concerned.

2. The case of the petitioner is that, intervention was made at the instance of the 3rd and 4th respondents, who are not in good terms with the petitioner. The property belonging to the petitioner is actually a “purayidam” (dry land) as discernible from Ext.P1 Thandaper Register maintained by the Revenue Authority and that the petitioner is satisfying the tax accordingly, as evidenced from Ext.P2. Giving a distorted version as to the nature of the land, the respondents 3 and 4

W.P.(C).No. 34619 of 2014

approached this Court by filing W.P.(C) No.3092/2011 wherein an interim order was passed as borne by Ext.P3, which reads as follows:

Notice by speed post.

Counsel for the petitioner submits that the 3rd respondent has issued a stop memo directing the 6th respondent to stop further reclamation of the land. It is also submitted that the 3rd respondent has issued communication dated 1.01.2011 requiring the 5th respondent to implement the stop memo. It is stated that despite all these, reclamation is going on. The fact that a stop memo was issued and that a communication has been issued on 10.01.2011 is confirmed by the Government Pleader also. Therefore there will be a direction that on the production of a copy of this order, the 5th respondent will ensure that the stop memo dated 28.12.2010 is issued by the 3rd respondent is fully implemented. Petitioner shall produce a copy of the order before the 5th respondent for compliance.

3. The learned counsel for the petitioner submits that the above writ petition was subsequently disposed of, directing the 1st respondent to consider the matter. It was accordingly, that the petitioner filed Ext.P4 statement of objections, referring to the relevant facts and figures and the relevant provisions of law, along with

the binding judicial precedents. Even though it was filed as early as on 30th of August, 2013, the matter is still to be finalised, which is causing irreparable loss and hardships to the petitioner and hence the writ petition. The learned counsel also points out that the factual position is discernible from the report dated 27.08.2013 of the 5th respondent addressed to the 1st respondent.

4. Heard the learned Government Pleader as well, who submits that the matter is still pending and that the 1st respondent will pass final orders in accordance with law also in the light of Ext.P5 without further delay.

5. In view of the limited extent of relief proposed to be given, this Court does not find it necessary to issue notice to respondents 3 and 4, more so when the merit of the case is not intended to be expressed in any manner.

Accordingly, the 1st respondent is directed to finalise the proceedings forming the subject matter of Ext.P4, also considering Ext.P5 and other relevant materials, if

W.P.(C).No. 34619 of 2014

any, of course, after giving an opportunity of hearing to the petitioner and the respondents 3 and 4. The proceedings as above shall be finalised at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 1st respondent.

Writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE

das