

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 34486 of 2015 (I)

PETITIONER:

**ETTONNUKADU KARSHAKA SANGHAM,
REGISTER NO E R 87/1973, PANANGAD P.O,
KUMBALAM, ERNAKULAM DISTRICT,
REPRESENTED BY ITS SECRETARY, A.P KUMARAN.**

**BY ADVS.SRI.MANSOOR.B.H.
SMT.NITHYA SASI**

RESPONDENT(S):

- 1. VILLAGE OFFICER,
VILLAGE OFFICE, KUMBALAM,
ERNAKULAM DISTRICT - 682606.**
- 2. ADDITIONAL THAHSILDAR,
KANAYANNOOR TALUK, TALUK OFFICE,
PARK AVENUE, ERNAKULAM DISTRICT - 682011.**
- 3. SUB COLLECTOR, FORT KOCHI - 682004.**
- 4. DISTRICT COLLECTOR,
CIVIL STATION, KAKKANADU - 682030.**
- 5. ASSISTANT ENGINEER, NAVIGATION SECTION,
MAJOR IRRIGATION, CIVIL STATION,
KAKKANADU - 682030.**
- 6. AGRICULTURAL OFFICER,
KRISHI BHAVAN, KUMBALAM - 682606.**
- 7. K V JOY, KOZHIVALLI VEEDU, PANANGAD,
ERNAKULAM DISTRICT - 682606.**

**R1 TO R6 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R7 BY ADV. SRI.JAIJI ITTEN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:- TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER DTD 24/6/2015 TO THE 3RD RESPONDENT.
- P2:- TRUE COPY OF THE REPORT DTD 26/6/2015 BEARING NO 106/2015 SUBMITTED BY THE FIRST RESPONDENT TO THE 3RD RESPONDENT.
- P3:- TRUE COPY OF THE REPORT DTD 1/9/2015 BEARING KBM 9/1546 SUBMITTED BY THE 6TH RESPONDENT TO THE 3RD RESPONDENT.
- P4:- TRUE COPY OF THE NOTICE DTD 4/7/2015 BEARING NO N.S GENERAL/2013-14 ISSUED BY THE 5TH RESPONDENT TO THE 6TH RESPONDENT.
- P5:- TRUE COPY OF THE ORDER DTD 14/9/2015 BEARING NO KBM 9/15-16 ISSUED BY THE 6TH RESPONDENT TO THE 7TH RESPONDENT.
- P6:- A TRUE COPY OF THE ORDER DTD 5/10/2015 BEARING NO F 8075/2015 ISSUED BY THE 3RD RESPONDENT.
- P7:- TRUE COPY OF THE STOP MEMO DTD 7/10/2015 BEARING NO 8/2015 ISSUED BY THE 1ST RESPONDENT.
- P8:- A COPY OF THE ORDER DTD 13/10/2015 BEARING NO F 8075/2015 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

EXT. R3(A) : TRUE COPY OF THE ORDER DATED 9.4.2015.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 34486 of 2015

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Dated this the 10th day of December, 2015

J U D G M E N T

The petitioner challenges Ext.P8 order of the Sub Collector, Fort Kochi on a complaint filed by one K.V Joy. The Sub Collector permitted the parties therein to construct a bunds in their respective land and further directed that all other issues has to be sorted out in the Civil Court.

2. The petitioner apprehends that it will adversely affect the agricultural operation of the petitioner and the order has been passed without adverting to the report of the Agricultural Officer Exts.P2 to P5.

3 This Court is of the view that in such a circumstances it is appropriate for the Sub Collector to hear the Agricultural Officer in this regard to find whether the order will have an impact upon agricultural activities already done or being carried by the petitioner. Therefore the Sub Collector is directed to reconsider the matter

after hearing the petitioner as well as the 7th respondent and also the Agricultural Officer. The parties are directed to appear before the Sub Collector on 21.12.2015.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE