

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 35120 of 2015 (L)

PETITIONER:

**ABDUL BASHEER.V.K.,
S/O.SAIDALAVI, VAZHAKKATTUTHODI HOUSE,
VADAKKANGARA PO, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT, REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER, ABDUL NAZAR,
S/O.SAIDALAVI, AGED 29 YERAS, VAZHAKKATTUTHODI HOUSE,
VADAKKANGARA P.O, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR, CIVIL STATION,
MALAPPURAM DISTRICT-676 001.**
- 2. THE DISTRICT LEVEL AUTHORIZATION COMMITTEE,
UNDER THE CONSERVATION OF PADDY LAND
AND WET LAND ACT, 2008, REPRESENTED BY ITS CONVENOR,
PRINCIPAL AGRICULTURAL OFFICER, CIVIL STATION,
MALAPPURAM DISTRICT-676 001.**
- 3. THE LOCAL LEVEL MONITORING COMMITTEE,
UNDER THE KERALA CONSERVATION OF PADDY LAND
AND WET LAND ACT, 2008, REPRESENTED BY ITS CONVENOR,
AGRICULTURAL OFFICER, MAKKARA PARAMBU,
GRAMA PANCHAYATH, MALAPPURAM DISTRICT-676 507.**
- 4. THE VILLAGE OFFICER, VADAKKANKARA,
MALAPPURAM DISTRICT-676 324.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 35120 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE TITLE DEED NO.106/1/14 OF SRO, MAKKARAPARAMBA
DT 6-1-2014.
- P2 : TRUE COPY OF THE BASIC TAX DT 15-3-2014.
- P3 : TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE PETITIONER
BY THE VILLAGE OFFICER, VADAKKANGARA DT 18-3-2014.
- P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
LEAVING OUT THE ANNEXURES DT 18-3-2014.
- P5 : TRUE COPY OF THE REPRESENTATION DT 15-1-2015 SUBMITTED BY THE
PETITIONER BEFORE THE REVENUE ADALATH.
- P6 : TRUE COPY OF THE REPORT OF THE ADDITIONAL TAHSILDAR TO THE
1ST RESPONDENT ON 2-3-2015.
- P7 : TRUE COPY OF THE PROCEEDINGS OF THE PRINCIPAL AGRICULTURAL
OFFICER, MALAPPURAM DT 14-7-2014.
- P8 : TRUE COPY OF THE JUDGMENT IN WRIT PETITION (C) 20714/2015
DT 12-10-2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No.35120 of 2015

=====

Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner approached this Court for reclaiming 10.98 cents of land in Re.Sy.61/2 of Vadakkankara Village in Malappuram District for the purpose of construction of residential building.

2. The majority of the Local Level Monitoring Committee was of the view that the petitioner's application shall be recommended. However, the Agricultural officer dissented on the ground that the petitioner has started construction of the basement without obtaining permission.

3. It is to be noted that the Revenue Divisional passed an order not to grant permission, as the reclamation was done in violation of the provisions of the Act 28 of 2008.

4. This Court is of the view that if the petitioner is otherwise entitled to reclaim the land, the reclamation already

done by the petitioner, shall not stand in the way of considering such application. Therefore if the petitioner satisfies other conditions, the District Level Authorizing Committee shall consider the same within a period of two months. The Local Level Monitoring Committee is directed to forward the recommendation as made in Ext.P4 within two weeks from the date of receipt the copy of this judgment. However it is found that the petitioner is not eligible, it is open for the Local Level Monitoring Committee to take action against the petitioner to restore the land.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE