

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937**

**WP(C).No. 38869 of 2015 (G)**  
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**PETITIONER(S) :**  
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1. **SATHYADASAN K.,**  
**THRIKKADAVOOR HOUSE, PATTATHANAM P.O.**  
**VADAKKEVILA VILLAGE, KOLLAM, PIN - 691 021.**
2. **OMANA K., W/O.SATHYADASAN K.**  
**THRIKKADAVOOR HOUSE, PATTATHANAM P.O.**  
**VADAKKEVILA VILLAGE, KOLLAM, PIN - 691 021.**
3. **S. SHANAVAS**  
**THOUFEEK, PATTATHANAM P.O., KOLLAM**  
**PIN - 691 021.**

**BY ADV. SRI.S.SANTHOSH KUMAR**

**RESPONDENT(S) :**  
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1. **STATE OF KERALA**  
**REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT**  
**REVENUE DEPARTMENT, SECRETARIAT**  
**THIRUVANANTHAPURAM-695001**
2. **THE DISTRICT COLLECTOR**  
**CIVIL STATION, KOLLAM, PIN - 691 013.**
3. **THE REVENUE DIVISIONAL OFFICER**  
**CIVIL STATION, KOLLAM, PIN - 691 013.**
4. **THE VILLAGE OFFICER**  
**VADAKKEVILA VILLAGE, KOLLAM,**  
**PIN - 691 010.**
5. **ASHOK KUMAR**  
**NANACHAM VEEDU, VADAKKEVILA,**  
**VADAKKEVILA P.O., KOLLAM-691 010.**

6. K.B. SULOCHANAMMA  
D/O.E.BHARGAVI AMMA, R.S.BHAVAN,  
PERUMON P.O., KOLLAM, PIN - 691 601.

7. ARJUNAN  
MOHANAVILASAM, MANICHITHODU, VELIYIL BUNGALOW  
PATTATHANAM P.O. KOLLAM- 691 010.

R1 TO R4 BY SPL. GOVT. PLEADER SRI. P.K. SOYUZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

Mn

...3/-

**WP(C).No. 38869 of 2015 (G)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT. P1 – TRUE COPY OF THE ORDER DATED 14.12.2011 OF THE PRINCIPAL, AGRICULTURAL OFFICE, CONVENER OF THE DISTRICT LEVEL COMMITTEE.**
- EXT. P2 - TRUE COPY OF THE COMPLAINT DATED 3.12.2005 FILED BY THE SON OF PETITIONERS 1 AND 2 BEFORE THE 3RD RESPONDENT.**
- EXT. P2(a) - TRUE COPY OF THE COMPLAINT DATED 4.12.2005 FILED BY THE SON OF PETITIONERS 1 AND 2 BEFORE THE 2ND RESPONDENT.**
- EXT. P3 - TRUE COPY OF THE INJUNCTION ORDER DATED 04.12.2015 OF THE MUNSIFF'S COURT, KOLLAM.**
- EXT. P4 - TRUE COPY OF THE PETITION DATED 01.12.2015 FILED BEFORE THE REVENUE DIVISIONAL OFFICER BY SMT. MUMTHAS BEEGUM.**
- EXT. P5 - TRUE COPY OF THE PROHIBITORY ORDER DATED 05.12.2015 OF THE 4TH RESPONDENT.**

**RESPONDENT(S)' EXHIBITS : NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**A. MUHAMED MUSTAQUE, J**

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**W.P.(C).No. 38869 of 2015**  
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**Dated this the 21<sup>st</sup> day of December, 2015**

**JUDGMENT**

The petitioners approached this Court with the following reliefs :

- “i) to issue a writ of mandamus or any any other appropriate writ or order directing respondents 1 to 4 to enforce Ext.P5 prohibitory order at once ;
- ii) to issue a writ of mandamus or any other appropriate writ or order directing respondents 1 to 4 to see that respondents 5 to 7 will not illegally reclaim any portion of paddy land/wet land and the portion already reclaimed illegally is restored to its original position ; and
- iii) to issue such other appropriate writ, order or directions as this Hon'ble Court may deem just and proper to issue in the circumstances of the case.”

2. This Court is of the view that the third respondent–The Revenue Divisional Officer, shall take an

appropriate decision in this matter after hearing the petitioners as well as party respondents and if any reclamation has done illegally in violation of Act 28/2008, the third respondent shall ensure that either through subordinates or higher authority, the land is restored to original Status. Needful shall be done within a period of two months after hearing the petitioners as well as party respondents.

The writ petition is disposed of as above.

Sd/-  
**A. MUHAMED MUSTAQUE**  
**JUDGE**

bpr