IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 17TH DAY OF FEBRUARY 2020 / 28TH MAGHA, 1941

WP(C).No.300 OF 2020(J)

PETITIONER/S:

P.K. VARGHESE,
AGED 66 YEARS
PALATHINKAL, POONITHURA.P.O, ERNAKULAM DISTRICT, PIN-682038

BY ADVS.
SRI.U.JAYAKRISHNAN
SRI.RENJITH B.MARAR
SMT.LAKSHMI.N.KAIMAL
SRI.SADCHITH.P.KURUP
SMT.SINDHU K.S.
SRI.SUMESH.S.KALARICKEL

RESPONDENT/S:

1 **THE REVENUE DIVISIONAL OFFICER**
REVENUE DIVISIONAL OFFICE, FORT KOCHI-682002

2 **THE VILLAGE OFFICER,**
NADAMA VILLAGE, THRIPPUNITHURA, ERNAKULAM PIN-682301

OTHER PRESENT:

SAIGI JACOB PALATTY, SR. G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17.02.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

W.P.(C.) No. 300 of 2020

Dated this the 17th day of February, 2020

JUDGMENT

The prayers in the above W.P.(C.) are as follows :

> *"i. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to forward the application to the 2nd respondent for submitting his report.*
> *ii. Issue a writ in the nature of mandamus or such other writ, direction or orders commanding the 2nd respondent to submit his report within 15 days of time as per the Sec.12 (4) envisaged in the conservation of paddy land and wetland Act and Rules 2008.*
> *iii. Issue a writ in the nature of mandamus or such other writ, direction or orders commanding respondents to allow the application preferred by the petitioner allowing him to construct residential house in his extending to 15.89 Ares comprised in survey number 41/2 (437 Old survey no) of Nadama Village in Ernakulam District.*
> *iv. And this Honourable Court may be pleased to grant such other reliefs as are deemed just and necessary in the facts and circumstances of the case, in the interest of justice."*

2. Heard Sri.Renjith B Marar, learned counsel appearing for the petitioner and Sri.Saigi Jacob Palatty, learned senior Government Pleader appearing for the respondents.

3. The petitioner has filed Ext.P2 petition dated 20.11.2019 before the 1st respondent, Revenue Divisional Officer, Fort Kochi seeking permission for change of the user of the land as per the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008 etc.

4. Without getting into the merits of the controversy in any manner, it is ordered that the 1st respondent will take up the plea made by

the petitioner in Ext. P2 petition, after following the requisite procedure and after affording reasonable opportunity of being heard to the petitioner, will render a considerable decision thereon in accordance with the law, without much delay, preferably within a period of 3 months from the date of production of a certified copy of this judgment.

With these observations and directions, the above W.P.(C.) will stand disposed of.

Sd/-

ALEXANDER THOMAS,
JUDGE

SKS

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE DATA BANK OF PADDY LAND AND WETLANDS OF TRIPUNITHURA MUNICIPALITY AS PER THE KERALA LAND CONVERSION OF PADDY AND WETLAND RULES 2008**
EXHIBIT P2	**A TRUE COPY OF THE APPLICATION PREFERRED BY THE PETITIONER ON FORM NUMBER 6 OF KERALA CONSERVATION OF PADDY LAND WETLAND RULES 2008 BEFORE THE 1ST RESPONDENT DATED 20.11.2019**
EXHIBIT P3	**A TRUE COPY OF THE RECEIPT FOR THE FEE PAID UNDER SECTION 12(9) OF THE KERALA CONSERVATION OF PADDY LAND AND WETLAND RULES 2008 DATED 20.11.2019**
EXHIBIT P4	**A TRUE COPY OF THE ACKNOWLEDGEMENT OF APPLICATION FILED BEFORE THE RDO FORT COCHIN**
EXHIBIT P5	**A TRUE COPY OF TITLE DEED OF THE PETITIONER**
EXHIBIT P6	**A TRUE COPY OF THE LAND TAX RECEIPT OF THE PROPERTY BELONGS TO THE PETITIONER VIDE SURVEY NUMBER 41/2**
EXHIBIT P7	**A TRUE COPY OF THE LOCATION SKETCH PROVIDED BY THE 2ND RESPONDENT**