IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2020 / 20TH AGRAHAYANA, 1942

WP(C).No.19247 OF 2020(E)

PETITIONER:

P.VINODINI,
AGED 64 YEARS
W/O. A.V. MADHAVAN, RESIDING AT AMBILAVALAPIL, CV JUNCTION, PONNANI, MALAPPURAM DISTRICT-679 577

BY ADVS.
SRI.V.HARISH
SRI.RAJAN VISHNURAJ

RESPONDENTS:

1 **REVENUE DIVISIONAL OFFICER (RDO)**
TIRUR, THRIKANDIYOOR ROAD, TIRUR, MALAPPURAM, PIN-676 101

2 **LOCAL LEVEL MONITORING COMMITTEE,**
REPRESENTED BY THE CONVENOR, AGRICULTURE OFFICER,
KALADY GRAMA PANCHAYATH, PANCHAYATH OFFICE ROAD,
PARAPPURAM, MALAPPURAM, KERALA, PIN-679 582

3 **THE VILLAGE OFFICER,**
KALADY, KALADY VILLAGE OFFICE, KADANCHERY-PARAKKOOTHUPARAMBU ROAD, PARAPPURAM, MALAPPURAM, PIN-679 582

BY GOVERNMENT PLEADER

BY ADV. G RANJITHA GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 11th day of December 2020

This writ petition is filed challenging the orders of the Revenue Divisional Officer, Tirur dated 24.09.2019 and 06.01.2020.

2. The petitioner approached the Revenue Divisional Officer in Form 5 application on 19.02.2019 to remove the land referred in the orders from the data bank. The land is classified as a wetland in the data bank. According to the petitioner, the land is a converted land prior to Act 28 of 2008.

3. It is not known as to what is the basis of the two orders that were being passed by the Revenue Divisional Officer on the same application. By both orders, the Revenue Divisional Officer rejected the petitioner's request to treat it as a converted land.

4. It is seen from the impugned orders that the Revenue Divisional Officer relied on the report of the Principal Agricultural Officer. It is also seen that Ext.P11 report of the Village Officer has been overlooked before passing orders.

5. Under Rule 4 (4e) of the Kerala Conservation of Paddy

Land and Wetland Rules, 2008, a different procedure has been stipulated for obtaining a report in respect of paddy land and wetland. In case of paddy land, the Revenue Divisional Officer has to obtain a report form the Agricultural Officer and in respect of wetland, the Revenue Divisional Officer has to rely upon the report of the Village Officer.

In such circumstances, the impugned orders have to be set aside as the same was passed without adverting to Rule 4 (4c) of the Kerala Conservation of Paddy Land and Wetland Rules. Accordingly, the impugned orders are set aside. The Revenue Divisional Officer is directed to reconsider the matter afresh, after adverting to Ext.P11 report of the Village Officer in accordance with Rule 4 (4e) of the Kerala Conservation of Paddy Land and Wetland Rules within a period of two months and take a decision, after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

SAS/11/12/2020

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	A TRUE COPY OF THE RELEVANT PAGES OF THE DATA BANK OF THE KALADY GRAMA PANCHAYAT.
EXHIBIT P1 A	A TRUE PHOTOGRAPHS OF THE PETITONER'S PROPERTY.
EXHIBIT P2	A TRUE COPY OF THE REPORT DATED 15.05.2007 OF THE ADDITIONAL TAHSILDAR, PONNANI.
EXHIBIT P3	A TRUE COPY OF THE NOTICE DATD 22.06.2007 ISSUED BY THE RDO, TIRUR.
EXHIBIT P4	A TRUE COPY OF THE DECISION DATED 11.09.2013 TAKEN BY THE LLMC.
EXHIBIT P5	A TRUE COPY OF THE REPORT DATED 17.10.2013 ISSUED BY THE ADDITIONAL TAHSILDAR , PONNANI TO THE RDO,TIRUR.
EXHIBIT P6	A TRUE COPY OF THE COMMUNICATION DATED 01.10.2015 ISSUED BY THE AGRICULTURAL OFFICER TO THE SECRETARY, KALADY GRAMA PANCHAYAT.
EXHIBIT P7	A TRUE COPY OF THE APPLICATION DATED 19.02.2019 PREFERRED BY THE PETITIONER BEFORE THE RDO, TIRUR.
EXHIBIT P8	A TRUE COPY OF THE JUDGMENT DATED 29.07.2019 PASSED BY THE HON'BLE COURT OF KERALA IN W.P.(C) NO. 20663 OF 2019.
EXHIBIT P9	A TRUE COPY OF THE ORDER DATED 31.10.2017 ISSUED BY THE REVENUE DEPARTMENT.
EXHIBIT P10	A TRUE COPY OF THE PROCEEDINGS DATED 24.09.2019 OF THE RDO, TIRUR.
EXHIBIT P11	A TRUE COPY OF THE REPORT DATED 23.10.2019 PREPARED BY THE VILLAGE OFFICER, KALADY TO THE CONVENER OF THE LLMC.
EXHIBIT P12	A TRUE COPY OF THE COMMUNICATION DATED 11.11.2019 FROM THE AGRICULTURAL OFFICER TO THE RDO, TIRUR.

EXHIBIT P13	**A TRUE COPY OF THE PROCEEDINGS DATED 06.01.2020 OF THE RDO,TIRUR.**
EXHIBIT P14	**A TRUE PHOTOCOPY OF THE KSREC REPORT DATED 03.01.2019.**

RESPONDENTS' EXHIBITS:- **NIL**

//TRUE COPY//
P.A. TO JUDGE