IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27312 OF 2020(L)

PETITIONER:

NOUSHAD
AGED 36 YEARS
S/O. AHAMMAD, PARATHODI HOUSE, THOZHUVANOOR P.O., MALAPPURAM DISTRICT

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:

1 **THE REVENUE DIVISIONAL OFFICER, TIRUR, MALAPPURAM DISTRICT-676 101**

2 **VILLAGE OFFICER, KATTIPARUTHI VILLAGE OFFICE, KATTIPARUTHI, MALAPPURAM DISTRICT-676 552**

3 **THE AGRICULTURAL OFFICER/CONVENOR, LOCAL LEVEL MONITORING COMMITTEE, CONSTITUTED UNDER THE KERALA PADDY LAND AND WET LAND ACT, 2008, AGRICULTURE OFFICE, VALANCHERRY MUNICIPALITY, MALAPPURAM DISTRICT-676 552**

SRI.PAUL ABRAHAM VAKKANAL - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No.27312 of 2020

J U D G M E N T

Ext.P4 is an application preferred by the petitioner in Form No.5 of the Kerala Conservation of Paddy Land and Wetland Rules (the Rules) for removal of the property of the petitioner referred to in the writ petition from the data bank prepared in terms of the Kerala conservation of Paddy Land and Wetland Act, 2008 (the Act). Ext.P5 is another application preferred by the petitioner in Form No.6 of the Rules for permission to utilize the said land which is an un-notified land in terms of the Act, for other purposes. The grievance of the petitioner in the writ petition concerns the inaction on the part of the first respondent in taking a decision on Ext.P4 and Ext.P5 applications.

2. Heard the learned counsel for the petitioner as also the learned Government Pleader.

3. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the first respondent to take up and pass appropriate orders on Ext.P4 in accordance with law, if the same is received and pending, after affording the petitioner an opportunity of hearing. Ordered accordingly. Needless to say that if Ext.P4 application is allowed, orders shall be

passed by the first respondent simultaneously on Ext.P5 application as well. This shall be done within three months from the date of production of a copy of this judgment along with a copy of the writ petition by the petitioner. If the applications directed to be disposed of are found defective, the defect shall be intimated to the petitioner by the first respondent immediately on production of a copy of this judgment, and the first respondent will be entitled to avail the time taken by the petitioner to cure the defects in the applications also, for compliance of the directions contained in this judgment. It is made clear that the hearing in terms of this judgment can either be physical or through video conference.

Sd/-
P.B.SURESH KUMAR, JUDGE.

PV

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE LAND RECEIPT ISSUED BY 2ND RESPONDENT DATED 21.05.2020
EXHIBIT P2	TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 2ND RESPONDENT
EXHIBIT P3	TRUE COPY OF THE RELEVANT PAGE OF DATA BANK PREPARED BY THE 3RD RESPONDENT WITH RESPECT TO THE PROPERTY IN SURVEY NO.45 OF KATTIPARUTHI VILLAGE
EXHIBIT P4	TRUE COPY OF THE APPLICATION IN FORM NO.5 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 30.06.2020
EXHIBIT P5	TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 1ST RESPONDENT DATED 05.10.2020