

Paul Vs. State of Kerala

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Court : Kerala

Decided On : Jan-08-2013

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Paul

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON TUESDAY, THE 8TH DAY OF JANUARY 2013 18TH POUSHA 193 WP(C).No. 656 of 2013 (F)

----- PETITIONER(S): ----- PAUL, S/O.CHACKO, AGED 53 KARIPPELI HOUSE, RAYAMANGALAM KARA, RAYAMANGALAM VILLAGE, KUNNATHUNADU TALUK. BY ADVS. SRI.V.RAJENDRAN (PERUMBAVOOR), SRI.GEORGE VARGHESE KIZHAKKAMBALAM. RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY TO REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION, KAKKANAD-682 030.

3. REVENUE DIVISIONAL OFFICER, MUVATTUPUZHA-686 661.

4. TAHSILDAR, KUNNATHUNADU TALUK, CIVIL STATION, PERUMBAAVOOR-683 542.

5. VILLAGE OFFICER, RAYAMANGALAM VILLAGE OFFICE, PULUVAZHY P.O.-683 541. BY GOVT. PLEADER MR.GEORGE MECHERIL. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: rs. WP(C).No. 656 of 2013 (F) APPENDIX PETITIONER'S EXHIBITS:- EXT.P1 COPY OF THE CERTIFICATE ISSUED BY ADDITIONAL TAHSILDAR KUNNATHUNADU BEARING NO.G12-8161/08 DATED 04 08/2008. EXT.P2 COPY OF THE NOTICE NO.D-184/04 DATED 29 05/2004 ISSUED BY SECRETARY RAYAMANGALAM GRAMA PANCHAYAT. EXT.P3 COPY OF THE LETTER NO.UR/K/15/2009-10 DATED 10 09/2009 ISSUED BY AGRICULTURAL OFFICER, KRISHI BHAVAN, RAYAMANGALAM TO THE SECRETARY RAYAMANGALAM GRAMA PANCHAYAT. EXT.P4 COPY OF THE JUDGMENT IN W.P.(C)NO. 23954/2010 DATED 20 12/2011. EXT.P5 COPY OF THE BUILDING PERMIT ISSUED FROM RAYAMANGALAM GRAMA PANCHAYAT BEARING NO.19/12-13 DATED 19 05/2012. EXT.P6 COPY OF THE PETITION FILED BY PETITIONER BEFORE THE 3RD RESPONDENT ON 04/06/2012. EXT.P7 COPY OF THE PETITION FILED BY PETITIONER BEFORE THE 3RD RESPONDENT ON 23/07/2012. EXT.P8 COPY OF THE STOP MEMO ISSUED BY 5TH RESPONDENT TO THE PETITIONER ON 03/12/2012. EXT.P9 COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT. RESPONDENT'S EXHIBITS:- NIL. //TRUE COPY// P.A. TO JUDGE rs. P.R. RAMACHANDRA MENON J.

~~~~~ W.P.(C) No. 656 of 2013  
~~~~~ Dated, this the 8th day of January, 2013  
JUDGMENT The grievance of the petitioner is with regard to the intervention made by the 5th respondent, by issuing Ext. P8 stop memo, in respect of the construction activities being pursued by the petitioner.

2. The case of the petitioner is that, the petitioner is the owner of 12.30 Ares of property situated in Re-Survey No. 491/10 and 491/11 of Rayamangalam village, which is a 'dry land'. There was some dispute with regard to the nature of property,

which was ultimately settled by virtue of the judgment passed by this Court in W.P.(C) No. 23954 of 2010, whereby the application submitted by the petitioner for granting building permit was directed to be considered, in the manner as specified therein, with reference to the judgment rendered by this Court in Praveen Vs. Land Revenue Commissioner (2010 (2) KLT

617) and Shahanaz W.P.(C) No. 656 of 2013 :

2. : Shukkoor Vs. Chelannur Grama Pachayath. It was accordingly that the matter was considered and Ext. P5 building permit was issued. Based on the building permit issued to the petitioner, further construction activities were being pursued. In the course of further developments, Exts. P6 and P7 applications were preferred before the concerned RDO for permission to remove red earth. While so, the 5th respondent issued Ext. P8 'stop memo'. The petitioner has preferred Ext. P9 representation before the 3rd respondent to consider Exts. P6 and P7 representations for granting permission to remove the red earth and to intercept Ext. P8 'stop memo' issued by the Village Officer. The only relief now pressed before this Court is to cause Ext. P9 to be considered by the 3rd respondent within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, this Court does not find it necessary to adjudicate the matter on the points covered by the judgment passed by this Court vide Ext. W.P.(C) No. 656 of 2013 :

3. : P4. The Writ Petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext. P9, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment. Petitioner shall produce a copy of this judgment along with copy of the writ petition before the third respondent for further steps. sd/- P. R. RAMACHANDRA MENON, (JUDGE) kmd

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