

Pauly Vs. the District Collector

Pauly Vs. the District Collector

SooperKanoon Citation : sooperkanoon.com/1012386

Court : Kerala

Decided On : Dec-31-2012

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Pauly

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON MONDAY, THE 31ST DAY OF DECEMBER 2012 10TH POUSHA 193 WP(C).No. 31471 of 2012 (H) ----- PETITIONER(S): ----- 1. PAULY, KATTUMATH HOUSE,CHENGALURE VILLAGE MUKUNDAPURAM TALUK,THRISSUR DISTRICT.

2. TONY, KATTUMATH HOUSE,CHENGALURE VILLAGE MUKUNDAPURAM TALUK,THRISSUR DISTRICT. BY ADV. SRI.P.DEEPAK RESPONDENT(S): ----- 1. THE DISTRICT COLLECTOR, THRISSUR-680001.

2. GOVERNMENT OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY DEPARTMENT OF REVENUE,SECRETARIAT THIRUVANANTHAPURAM-695001. BY SPECIAL GOVERNMENT PLEADER(REVENUE), SRI.P.K.SOYUZ THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31-12-2012, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: SU/- WP(C).No. 31471 of 2012 (H) APPENDIX
PETITIONER'S EXHIBITS: P1: RECENT PHOTOGRAPHS OF THE AREA
UNDER NUTMEG AND PLANTAIN CULTIVATION. P2: COPY OF THE ORDER
OF THE 1ST RESPONDENT DTD. 19-12-2012. P3: COPY OF THE
MEMORANDUM OF REVISION DTD. 28-12-2012. RESPONDENTS' EXHIBITS:
NIL. /TRUE COPY/ P.A. TO JUDGE SU/- P.R. RAMACHANDRA MENON, J.

----- W.P.(C). No. 31471 of 2012
----- Dated this the 31st day of December, 2012
JUDGMENT The petitioners are stated as aggrieved of Ext.P2 order passed by
the 1st respondent, whereby the land in question has been ordered to be restored
to the original stature, invoking the power and procedure under Section 13 of the
Kerala Conservation of Paddy Land and Wet Land Act, 2008.

2. The learned counsel for the petitioners submits that the proceeding pursued and
finalized by the 1st respondent is per se wrong and illegal in all respects. It is
stated that the petitioners are having the property comprised in Survey Nos. 294
and 305 of Chengalure Village and proceedings pursued by the 1st respondent
are of course with reference to said Sy.No. as well, apart from Survey No.306,
which property is owned by one Mr. James. It is also discernible from Ext.P2 that,
notice of hearing was issued only to James, who owns the property in Sy.No.306
and not to the petitioners who are the owners of the property comprised in Sy.Nos.
294 and 305 respectively, submits the W.P.C. No.31471 of 2012 -2- learned
counsel. It was accordingly, that Ext.P2 was came to be passed without any notice
to the petitioners.

3. This Writ Petition has been filed on many a ground in respect of the merits of
the case as well. Non applicability of the provisions of The Kerala Conservation of
Paddy Land and Wet Land Act, 2008 to deal with the case in question, is also
pointed out. The learned counsel submits that, being aggrieved of Ext.P2, the
petitioners have already approached the 2nd respondent by filing Ext.P3 revision
petition and the prayer sought for in this writ petition is to cause Ext.P3 to be
considered and disposed of within a reasonable time.

4. Heard the learned Government Pleader as well.

5. Considering the limited nature of relief sought for, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of, directing the 2nd respondent to consider Ext.P3 revision petition and pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioners at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment. Implementation of W.P.C. No.31471 of 2012 -3- Ext.P3 shall be kept in abeyance till such time. The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for further steps. P.R. RAMACHANDRA MENON, JUDGE. Kp/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com