

T.P.James Vs. State of Kerala

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Court : Kerala

Decided On : Jan-27-2014

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : T.P.James

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN MONDAY,THE27H DAY OF JANUARY20147TH MAGHA, 1935 WP(C).No. 2582 of 2014 (W)

----- PETITIONER(S): ----- T.P.JAMES S/O.THOMAS, AGED52YEARS, PULICKAL HOUSE, PAZHOOOR EAST PIRAVOM, PIRAVOM VILLAGE, MUVATTUPUZHA TALUK PIN -686 664. BY ADVS.SRI.M.M.MONAYE SRI.M.PAUL VARGHESE SRI.DESI MATTHAI RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT GOVERNMENT OFKERALA, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM-695 001.

2. THE DISTRICT COLLECTOR ERNAKULAM DISTRICT, KAKKANAD, KOCHI-682 030.

3. THE REVENUE DIVISIONAL OFFIER FORT KOCHI, KOCHI-682 001.

4. TAHSILAR KANAYANNUR TALUK, ERNAKULAM, KOCHI-682 011.

5. THE VILLAGE OFFICER MULANTHURUTHY, MULANTHURUTHY P.O., PIN-682 314.

6. THE AGRICULTURAL OFFICER KRISHI BAHVAN, MULANTHURUTHY, PIN-682 314.

7. K.S.PRASAD, S/O.SIVARAMAN, KADECKAL HOUSE, PERUMPILLY.P.O., MULANTHURUTHY-682314. BY ADV.SRI.P.K.SOYUZ, SPL.GOVERNMENT PLEADER(REVENUE) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 2701-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 2582 of 2014 (W) APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT P1.TRUE COPY OF THE STOP MEMO DATED 1011/2008. EXHIBIT P2.TRUE COPY OF THE FIR NO.610/2011 REGISTERED BY THE MULANTHURUTHY POLICE STATION. EXHIBIT P3.TRUE COPY OF THE NEWS ITEM IN THE MATHRUBHOOMI DAILY DATED 311/201. EXHIBIT P4.TRUE COPY OF THE

ORDER

DATED 174/2010. EXHIBIT P5.TRUE COPY OF THE NOTICE DATED 225/2010. EXHIBIT P6.TRUE COPY OF THE REPLY DATED 285/2010. EXHIBIT P7.TRUE COPY OF THE REPRESENTATION DATED 241/2011 SUBMITTED TO THE AGRICUTLURAL OFFICER. EXHIBIT P8.TRUE COPY OF THE PETITION DATED 53/2012. EXHIBIT P9.TRUE COPY OF THE PETITION DATED 1009/2012. EXHIBIT P10.TRUE COPY OF THE NOTICE DATED 412/2013. EXHIBIT P11.TRUE COPY OF THE STATEMENT DATED 712/2013. EXHIBIT P12.TRUE COPY OF THE

ORDER

DATED 1912/2013 OF THE 2D RESPONDENT DISTRICT COLLECTOR. EXHIBIT P13.TRUE COPY OF THE TECHNICAL OPINION DATED 411/201 ADDRESSED TO MULANTHURUTHY GRAMA PANCHAYATH BY THE PRINCIPAL AGRICULTRURAL OFFICER. EXHIBIT P14.TRUE COPY OF THE LETTER DATED 306/2012 FROM THE PRINCIPAL AGRL.OFFICER TO THE 2D RESPONDENT EXHIBIT P15.TRUE COPY OF THE LETTER OF THE 6H RESPONDENT DATED 131/2014. RESPONDENT(S)' EXHIBITS NIL R.AV

//TRUE COPY// PATO JUDGE P.N.RAVINDRAN, J.

==--==--==--==--==--==--== W.P.(C)No.2582 of 2014 ==--==--==--==--==--==--==
Dated this the 27th day of January, 2014

JUDGMENT

The petitioner who is the owner of a parcel of land, 59.49 ares in extent situate in R.S.No.155/3 in Block No.23 of Mulanthuruthy Village, Kanayannur Taluk, Ernakulam District has filed this writ petition challenging Ext.P12 order dated 19.12.2013 issued by the District Collector, Ernakulam under section 13 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. One of the contentions raised in the instant writ petition is that the order directs the petitioner to reconvert 86.90 ares of land in R.S.No.155/3 when as a matter of fact he is the owner of only 59.49 ares of land in the said survey sub division.

2. Under section 28 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 a revision lies to the Government from Ext.P12 order. Such being the situation, I am of the opinion that the petitioner should move the Government in revision and await the decision of the Government before seeking the intervention of this Court. The learned counsel for the petitioner however submitted that as the District Collector has directed restoration of the entire W.P.(C)No.2582 of 2014 2 lands, unless an interim order is passed staying the operation of the order pending disposal of the revision petition the petitioner will be put to serious prejudice. The learned Special Government Pleader appearing for respondents 1 to 6 submitted that in the event of the petitioner filing a revision petition before the Government within two weeks from today, this Court may direct the parties to maintain the status quo as on today and also direct the Government to dispose of the appeal expeditiously thereafter. In such circumstances, I dispose of the writ petition with the following directions:- i) The petitioner shall file a revision petition before the State Government challenging Ext.P12 order passed by the District Collector within two weeks from today. ii) In that event, the status quo as on the date of Ext.P12 order passed by the District Collector shall be maintained in relation to the lands in possession of the petitioner till the disposal of the revision petition. iii) The Government shall in the event of the petitioner filing a revision petition within the

time stipulated W.P.(C)No.2582 of 2014 3 above, dispose of the revision petition expeditiously and in any event within an outer limit of four months from the date of receipt of the revision petition, after affording the petitioner an opportunity of being heard. iv) The Government shall after orders are passed, communicate a copy thereof to the petitioner. Sd/- P.N.RAVINDRAN JUDGE vpv

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