

Antony V.D vs State of Kerala

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Court : Kerala

Decided On : Apr-05-2024

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/7994/2015

Appellant : Antony V.D

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 5TH DAY OF APRIL 2024 / 16TH CHAITHRA, 1946 WP(C) NO.
7994 OF 2015 PETITIONER: ANTONY V.D AGED 38 YEARS,
S/O.DEVASY, VETTACKAL (H), SOUTH JANATHA ROAD,
POONITHURA VILLAGE, KANAYANUR TALUK, ERNAKULAM. - 683
025. BY ADVS. SRI.PRAVEEN K. JOY SRI.T.A.JOY RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF REVENUE, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001. 2 THE
DISTRICT COLLECTOR ERNAKULAM - 682 030. 3 REVENUE

DIVISION OFFICER FORT KOCHI, ERNAKULAM - 682 002. 4 THE LOCAL LEVEL MONITORING COMMITTEE POONITHURA, KANAYANNUR, ERNAKULAM DISTRICT - 682 038. 5 THE AGRICULTURAL OFFICER AGRICULTURAL DEPARTMENT, COLLECTORATE, KAKKANAD, ERNAKULAM DISTRICT - 682 030. 6 THE KERALA STATE POLLUTION CONTROL BOARD ERNAKULAM, PIN-- 682 030, REPRESENTED BY EXECUTIVE ENGINEER. -:2:-

7 THE VILLAGE OFFICER POONITHURA VILLAGE, ERNAKULAM DISTRICT - 682 038. 8 PAUL ALUKKA S/O.VARKEY, ALUKKA VEEDU, KADAVANTHRA, ERNAKULAM - 682 020. 9 VINU PAUL S/O. PAUL, ALUKKA VEEDU, KADAVANTHRA, ERNAKULAM - 682 020. BY ADVS. SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL BOARD, SRI.S.ANANTHAKRISHNAN SRI.P.MOHAMMED ANZARI SRI.N.K.SUBRAMANIAN SRI.BINOY DAVIS (GP) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:3:-

JUDGMENT

This writ petition was filed with the grievance that respondent Nos.8 and 9 were developing a property which is described as paddy land in the revenue records.

2. It is evident from the counter affidavit filed by

respondent Nos.8 and 9 that the land in question was converted land as per the data-bank prepared under the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008, and that a building permit was issued for the construction of a building on the said land, and that the building has already been constructed and occupancy certificate etc. have also been issued in respect of the building. In that view of the matter, I am of the opinion that nothing further survives for consideration in this writ petition and it is accordingly dismissed. Sd/-
GOPINATH P. ats JUDGE -:4:- APPENDIX OF WP(C) 7994/2015 PETITIONERS EXHIBITS EXT.P1: THE TRUE PHOTOCOPY OF THE STOP MEMO DATED

POONITHURA. EXT.P2: THE TRUE PHOTOCOPY OF THE THANDAPER REGISTER OF POONITHURA VILLAGE. EXT.P3: THE TRUE COPY OF THE COMPLAINT DATED EXT.P4: THE TRUE PHOTOGRAPHS OF THE ILLEGALLY CONVERTED PADDY FIELD. EXT.P5: THE TRUE PHOTOCOPY OF THE REPRESENTATION DATED 02/03/2015 BEFORE THE 2ND AND 3RD RESPONDENT. RESPONDENTS EXHIBITS EXT.R8(a): TRUE COPY OF LETTER APPLICATION DT.20.02.2015 FILED BY MR.RAJESH UNDER THE RTI ACT. EXT.R8(b): TRUE COPY OF THE POLICE COMPLAINT DT.9.2.2015 FILED BY THE 8THRESPONDENT AGAINST RAJESH. EXT.R8(c): TRUE COPY OF THE POLICE COMPLAINT DT. 22.1.2015 FILED BY THE 8THRESPONDENT AGAINST RAJESH. EXT.R8(d): TRUE OF THE RELEVANT PAGES OF DATA BANK WITH REGARD LANDS IN SY.NO.224/1 OF POONITHURA VILLAGE. EXT.R8(e): TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT OF SMT.LUCY PAUL. EXT.R8(f): TRUE COPY OF THE REPLY DT.18.6.2015 FILED THE 8TH RESPONDENT TO EXT.P1. -:5:- EXT.R8(g): TRUE COPY OF THE BUILDING PERMIT DT.21.6.2015. EXT.R8(h): TRUE COPY OF THE CONSENT ISSUED BY THE 6TH RESPONDENT. EXT.R8(i): TRUE COPY OF THE LOCATION SKETCH ISSUED BY THE 7TH RESPONDENT EXT.R8(j): TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE 7TH RESPONDENT. EXT.R8(k): TRUE COPY OF THE CERTIFICATE DT.2.3.2015 ISSUED BY THE 7TH RESPONDENT. EXT.R8(l): TRUE COPY OF THE PHOTOGRAPHS OF THE LAND.

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