

Vinod R vs the Commissioner

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SooperKanoon Citation : sooperkanoon.com/1301672

Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/20780/2017

Appellant : Vinod R

Respondent : The Commissioner

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 WP(C)
NO. 20780 OF 2017 PETITIONER: VINOD R S/O.VELU,AGED 45
YEARS,VENGISSERI HOUSE, EDAPATTA.P.O,MELATTUR
MALAPPURAM DISTRICT. BY ADVS. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA RESPONDENTS:

1 THE COMMISSIONER, LAND REVENUE,THIRUVANANTHAPURAM-
695001. 2 THE DISTRICT COLLECTOR, MALAPPURAM-676505. 3
THE LOCAL LEVEL MONITORING COMMITTEE REPRESENTED BY
AGRICULTURAL OFFICER,KRISHI BHAVAN,MELATTUR-679326. 4

MELATTUR GRAMA PANCHAYAT KL SH 39,MELATTUR-679326,REPRESENTED BY ITS SECRETARY. 5 VILLAGE OFFICER MELATTUR MALAPPURAM DISTRICT-679326. Addl.R6 THE SECRETARY, AGRICULTURAL NCA DEPARTMENT, GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM. (ADDITIONAL 6TH RESPONDENT IS SUO MOTU IMPLEADED AS PER THE ORDER DATED 31.05.2024.) BY ADVS. GOVERNMENT PLEADER SRI.K.M.SATHYANATHA MENON

SRI.B.S.SYAMANTAK, GP, SRI.K.M.SATHYANATHA MENON-R4 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V. KUNHIKRISHNAN, J.

----- WP(C) 20780 OF 2017
----- Dated this the 31st day of May,
2024

JUDGMENT

This Writ Petition is filed with the following prayer s. (i) To issue a writ of certiorari or any other appropriate order or direction calling for the records leading to Exhibit P6 and quash the same.

(ii) To issue a writ of mandamus or any other

appropriate writ order or direction directing the respondents to permit the petitioner to reclaim the land covered by Exhibit P1 and Exhibit P2 to enable him to construct a residential house and 4th respondent may be directed to issue building permit to the petitioner as applied for.

(iii) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case. (SIC)

2. When this writ petition came up for

consideration on 22.06.2017, this Court passed the following order. Admit. Government Pleader takes notice for R1 to R3 and R5. Issue notice to R4 by speed post. There shall be an interim stay of restoration ordered as per Ext.P6 for a period of one month. The petitioner shall file a revision from Ext.P6 as provided under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 and produce copy within a period of three weeks.

3. The interim order was extended until further

orders on 05.10.2017. Now Exhibit P7 revision petition is filed by the petitioner. In the light of the same, there can be a direction to consider Exhibit P7 within a time frame. The Counsel for the petitioner submitted that, petitioner may be allowed to submit Form 5 application as per Kerala Conservation of Paddy Land and Wet Land Act, 2008 and Rules. Liberty is granted for the same also. Therefore, the writ petition is disposed of the following directions. i. The Agricultural Production Commissioner impleaded as additional 6th respondent is directed to consider and pass appropriate orders in Exhibit P7 after giving an opportunity of hearing to the petitioner as expeditiously as possible at any rate within 4 months from the date of a receipt of copy of this order, if it is received and pending as on today. ii. The petitioner is also free to file appropriate application as per the Kerala Conservation of Paddy and Wet Land Act, 2008 and Rules in accordance with law. Sd/- P.V.KUNHIKRISHNAN, JUDGE mus APPENDIX OF WP(C) 20780/2017 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE DOCUMENT NO.3540/1/12 OF SRO MELATTUR

EXHIBIT P2 TRUE COPY OF THE POSSESSION CERTIFICATE

DATED 1.12.2015 ISSUED BY THE EDAPPATTA VILLAGE OFFICER

EXHIBIT P5 TRUE COPY OF THE ORDER

NO.K.DIS.8217/2016/M.DATED 26.09.16 EXHIBIT P6 TRUE COPY OF THE ORDER NO.B2-55568/2016 DT.1-6-2017 ISSUED BY THE 2ND RESPONDENT DISTRICT COLLECTOR.

