

Baburaj vs the District Collector

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Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mr. Justice Amit Rawal

Appeal No. : WP(C)/5121/2016

Appellant : Baburaj

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
WP(C) NO. 5121 OF 2016 PETITIONER: BABURAJ THE SECRETARY,
MUNDUPALAM-KOLATHOTTUTHAZHAM ACTION COMMITTEE,
VRINDAVANAM, PERUMUGHAM P.O., FAROQ, KOZHIKODE-673631.

BY ADV SRI.S.K.SAJU RESPONDENTS: 1 THE DISTRICT
COLLECTOR KOZHIKODE CIVIL STATION P.O., KOZHIKODE-673020.
2 THE REVENUE DIVISIONAL OFFICER KOZHIKODE, CIVIL STATION
P.O., KOZHIKODE 673020. 3 THE VILLAGE OFFICER FEROKE,
KOZHIKODE, FEROKE P.O., 4 THE FEROKE GRAMA PANCHAYATH

REPRESENTED BY ITS SECRETARY, FEROKE P.O., KOZHIKODE-673631. 5 SRI.VARUN S/O.UNNIKRISHNAN, 'VAISHANAVAM', KARUVANTHURUTHY P.O., FEROKE,

6 ABDUL LATHEEF KALATHINGAL HOUSE, C.H.ROAD, CHANDA, KARUVANTHURUTHY P.O., FEROKE, KOZHIKODE 673631. 7 MEENA KUMARI W/O.SUDHAKARAM, ARAYANVALAVU, KARUVANTHURUTHY P.O., FEROKE, BY ADVS. SRI.P.C.SASIDHARAN SRI. JUSTIN JACOB, SR. GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 1st day of August, 2023

1. Petitioner has approached this Court with the following prayers:

To issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to take immediate action on Exhibits P1, 6, 7, 8 and 10 to reconvert the filled up lands to its original nature and status. i) To issue a writ of mandamus or any other appropriate writ, order or direction to the respondents Nos. 1 to 4 to consider Exhibits P1, 6, 7, 8 and 10 in accordance with law after giving sufficient opportunity to the petitioner.

The aforementioned prayer is actuated on account of the fact that there has been some news items and complaints.

2. Learned Senior Government Pleader informed that no activity of illegal filling up of the wetland or paddy land is being undertaken.

3. In view of the statement given by learned Government

Pleader, no cause of action subsists in favour of the petitioner. Writ petition is ordered to be closed. Sd/- AMIT RAWAL, Judge sou. APPENDIX OF WP(C) 5121/2016 PETITIONER EXHIBITS P1 : TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER TO THE TALUK OFFICER DT.3-4-14.

P2 : TRUE COPY OF THE APPLICATION DT.18-8-2014 SUBMITTED BY THE PETITIONER. P3 : TRUE COPY OF THE REPLY DT.3-9-2014 ISSUED BY THE PUBLIC INFORMATION OFFICER. P4 : TRUE COPY OF THE NEWS ITEM REPORTED IN MALAYALA MANORAMA DAILY DT.2-4-2014. P5 : TRUE COPY OF THE NEWS ITEM REPORTED IN MALAYALA MANORAMA DAILY DT.14-5-2013. P6 : TRUE COPY OF THE COMPLAINT DT.9-12-13 SUBMITTED BY THE PETITIONER TO 2ND RESPONDENT. P7 : TRUE COPY OF THE COMPLAINT DT.14-3-2014 SUBMITTED BY THE PETITIONER TO 2ND RESPONDENT. P8 : TRUE COPY OF THE COMPLAINT DT.29-4-2013 SUBMITTED BY THE PETITIONER TO THE VILLAGE OFFICER. P9 : TRUE COPY OF THE NEWS ITEM REPORTED IN CHANDRIKA DAILY DT.22-5-2013.

P10 : TRUE COPY OF THE COMPLAINT DT.7-1-14 SUBMITTED BY THE PETITIONER TO THE CHIEF MINISTER OF KERALA. P11 : TRUE COPY OF THE COMMUNICATION DT.10-2-14 SENT FROM THE OFFICE OF THE CHIEF MINISTER OF KERALA TO THE PETITIONER.

P12 : TRUE COPY OF THE AGREEMENT DT.21-11-2014. P13 : TRUE COPY OF THE APPLICATION DT.12-2-15 SUBMITTED BY THE PETITIONER TO R5. P14 : TRUE COPY OF THE REPLY DT.NIL ISSUED BY 4TH RESPONDENT. P15 : TRUE COPY OF THE APPLICATION DT.12-2-15 SUBMITTED BY THE PETITIONER TO 5TH RESPONDENT. P16 : TRUE COPY OF THE STOP MEMO DT.16-6-2014 ISSUED BY R3 TO 5TH RESPONDENT. P17 : TRUE COPY OF THE STOP MEMO DT.29-4-2014 ISSUED BY R3 TO 6TH RESPONDENT.

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