

Biji vs State of Kerala

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Court : Kerala

Decided On : Dec-22-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : WP(C)/40224/2023

Appellant : BIJI

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 22ND DAY OF DECEMBER 2023 / 1ST POUSHA, 1945
WP(C) NO. 40224 OF 2023 PETITIONER: BIJI, AGED 43 YEARS W/O
JOY, THEKKEMALIL HOUSE, VAIKKARA KARA., RAYAMANGALAM
P.O.,ERNAKULAM DISTRICT, PIN - 683549 BY ADVS. P.P.BIJU
SAFNA P.S. RESPONDENTS: 1 STATE OF KERALA REPRESENTED
BY PRINCIPAL SECRETARY, AGRICULTURE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE
DISTRICT COLLECTOR ERNAKULAM DISTRICT, COLLECTORATE,
KAKKANAD, ERNAKULAM DISTRICT, PIN - 682030 3 THE REVENUE
DIVISIONAL OFFICER OFFICE OF THE REVENUE DIVISIONAL

OFFICER, MUVATTUPUZHA, ERNAKULAM DISTRICT., PIN - 686661 4
LOCAL LEVEL MONITORING COMMITTEE REPRESENTED BY ITS
CONVENOR, THE AGRICULTURE OFFICER, KRISHI BHAVAN,
RAYAMANGALAM P.O., ERNAKULAM DISTRICT, PIN - 683541 5 THE
VILLAGE OFFICER RAYAMANGALAM VILLAGE OFFICE,
RAYAMANGALAM P.O., ERNAKULAM DISTRICT, PIN - 683541 GP
SRI.SYAMANTHAK B.S. THIS WRIT PETITION (CIVIL) HAVING COME
UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING: WP(C) No.40224 of 2023 2

VIJU ABRAHAM, J.

W.P (C) No.40224 of 2023 Dated this the 22nd day of December, 2023

JUDGMENT

Petitioner has approached this Court seeking a direction to the respondents not to take any further proceedings pursuant to Exts.P7 and P10 orders until disposal of Ext.P11 revision pending before the 1 st respondent.

2. Petitioner is having a total extent of 38.10 Ares of land comprised in re- survey nos.214/16-2 and 214/16-2-2 of Rayamangalam Village in Kunnathunad Taluk, Ernakulam.

3. Heard the learned Government Pleader also.

After hearing both sides, I am inclined to dispose of the writ petition with the following directions: 1st respondent shall take up Ext.P11 revision and dispose of the same as expeditiously as possible, at any rate, within an outer limit of five months from the date of receipt of a copy of the judgment, after affording an opportunity of being heard to the petitioner and also to the complainant referred to in Ext.P7. Till a decision is taken as directed above, all further proceedings pursuant to Exts.P7 and P10 orders shall be kept in abeyance. Petitioner shall also maintain status quo in respect of the subject property covered by Ext.P7. Sd/-
VIJU ABRAHAM JUDGE cks WP(C) No.40224 of 2023 3 APPENDIX OF WP(C)

40224/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE LAND TAX RECEIPT DATED 05.06.2020 ISSUED BY THE 5TH RESPONDENT Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 16.09.2017 IN OS NO. 254/2016 OF MUNISIFF COURT, PERUMBAVOOR Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 05.02.2020 IN OS NO. 207/2017 OF MUNISIFF COURT PERUMBAVOOR Exhibit P4 TRUE COPY OF THE ORDER NO.L17-2193/2018 DATED 14.06.2019 ISSUED BY THE 2ND RESPONDENT Exhibit P5 TRUE COPY ORDER NO.G.O.(RT) NO.444/2020/AGRI DATED 21.05.2020 ISSUED BY THE 1ST RESPONDENT Exhibit P6 TRUE COPY OF THE JUDGMENT DATED 10.06.2020 IN WP(C) NO.11214/2020 OF THIS HON'BLE COURT Exhibit P7 TRUE COPY OF THE ORDER NO.DCEKM/2193/2018/L-17 DATED 15.11.2023 ISSUED BY THE 2ND RESPONDENT Exhibit P8 TRUE COPY OF THE COMMISSION REPORT DATED 07.07.2016 IN OS NO.254/2016 Exhibit P9 TRUE COPY OF THE COMMISSION REPORT DATED 12.06.2017 IN IA.1138/17 IN OS NO.207/2017 OF MUNISIFF COURT, PERUMBAVOOR. Exhibit P10 TRUE COPY OF THE ORDER NO.A9-3449/20/RDIS DATED 03.03.2021 ISSUED BY THE 3RD RESPONDENT Exhibit P11 TRUE COPY OF THE MEMORANDUM OF REVISION FILED UNDER SECTION 28 OF KERALA CONSERVATION OF PADDY LAND AND WET LAND ACT DATED 27/11/2023 Exhibit P12 TRUE COPY OF THE POSTAL RECEIPT DATED 28.11.2023

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