

**Quilon Educational Trust vs the Sub Divisional Magistrate**

**Quilon Educational Trust vs the Sub Divisional Magistrate**

**SooperKanoon Citation :** [sooperkanoon.com/1496669](https://sooperkanoon.com/1496669)

**Court :** Kerala

**Decided On :** Dec-21-2022

**Judge :** Honourable the Chief Justice Mr.S.Manikumar,Honourable Mr. Justice Shaji P.Chaly

**Appeal No. :** WA/1576/2015

**Appellant :** Quilon Educational Trust

**Respondent :** The Sub Divisional Magistrate

**Judgement :**

-1-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI P.CHALY WEDNESDAY, THE 21ST DAY OF DECEMBER 2022 / 30TH AGRAHAYANA, WA NO. 1564 OF 2015 AGAINST THE JUDGMENT WPC 5421/2011 OF HIGH COURT OF KERALA APPELLANT/S: QUILON EDUCATIONAL TRUST REPRESENTED BY ITS CHAIRMAN, NOWFAL @ MOHAMMED NOWFAL, PATTATHIL, AYATHIL PO, KOLLAM-691 017. BY ADVS. SRI.T.M.CHANDRAN SRI.JOSHY JACOB

SRI.S.SUJITH SRI.V.A.SASIDHARAN RESPONDENT/S:

1 PARISTHITHI SAMRAKSHANA EKOPANA SAMITHI REPRESENTED BY THE CONVENER, ODANAVATTOM VIJAYA PRAKASH, PARISTHITHI-, SAMRAKSHANA EKOPANA SAMITHI, KOLLAM-691 512. 2 M.R.OMANA KUNJAMMA MELLAKKAL VEEDU, PLAKKADU, ADHICHANALLOOR P.O.,, KOLLAM-691 573. 3 UNION OF INDIA REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF MINISTRY OF ENVIRONMENTAL FOREST, NEW DELHI-110 001. 4 STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF, FOREST, SECRETARIAT, THIRUVANANTHAPURAM-695 001. 5 KERALA STATE BIO-DIVERSITY BOARD REPRESENTED BY CHAIRMAN, KERALA STATE BIO- DIVERSITY BOARD, THIRUVANANTHAPURAM-695 001. 6 KERALA STATE COASTAL ZONE MANAGEMENT AUTHORITY, REPRESENTED BY THE CHAIRMAN, KERALA STATE COASTAL ZONE MANAGEMENT AUTHORITY, PATTOM, THIRUVANANTHAPURAM-695-004. -2-

7 THE DISTRICT COLLECTOR KOLLAM-691 001. 8 THE REVENUE DIVISIONAL OFFICER KOLLAM-691 001. 9 THE VILLAGE OFFICER ADICHANALLOOR P.O.ADICHANALLOOR, KOLLAM DISTIRCT-691 573. 10 ADICHANALLOOR GRAMA PANCHAYAT REPRESENTED BY THE SECRETARY, ADICHANALLOOR, GRAMA PANCHAYAT, ADICHANALLOOR P.O.,, KOLLAM DISTRICT-691 573. 11 SUB INSPECTOR OF POLICE CHATHANNUR-691 572. 12 CIRCLE INSPECTOR OF POLICE CHATHANNUR-691 572. 13 SUPERINTENDENT OF POLICE KOLLAM-691 001 14 CHIEF TOWN PLANNER THIRUVANANTHAPURAM-695 001. 15 THE AGRICULTURAL OFFICER KRISHI BHAVAN, ADHICHANELLOR, KOLLAM DISTRICT-691 573. BY ADVS SRI.KALEESWARAM RAJ APARNA MENON M. P. PRAKASH K. P. HARISH, SR. GP.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21.12.2022, ALONG WITH WA.1576/2015, 1742/2015 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI P.CHALY WEDNESDAY, THE 21ST DAY OF DECEMBER 2022 / 30TH AGRAHAYANA, WA NO. 1576 OF 2015 AGAINST THE JUDGMENT WPC 22890/2011 OF HIGH COURT OF KERALA APPELLANT/S: 1 QUILON EDUCATIONAL TRUST REPRESENTED BY ITS CHAIRMAN, NOUFAL, PATTATHIL, AYATHIL P.O., KOLLAM. 2 NOUFAL S/O. ABDUL SALAM, PATTATHIL, AYATHIL P.O., KOLLAM. BY ADVS. SRI.T.M.CHANDRAN SRI.JOSEPH ALBIN NEDUNTHALLY SRI.S.SUJITH SRI.V.A.SASIDHARAN RESPONDENT/S:

1 THE SUB DIVISIONAL MAGISTRATE KOLLAM-691001. 2 THE AGRICULTURAL OFFICER KRISHI BHAVAN, ADICHANALLOR, KOLLAM-691573. 3 LOCAL LEVEL MONITORING COMMITTEE REPRESENTED BY CHAIRMAN AND PRESIDENT OF THE ADICHANALLOOR GRAMA PANCHAYAT, ADICHANALLOOR, KOLLAM-691573. 4 DISTRICT LEVEL AUTHORIZED COMMITTEE REPRESENTED BY REVENUE DIVISIONAL OFFICER, KOLLAM-691001. 5 THE ADICHANALLOOR GRAMA PANCHAYAT REPRESENTED BY SECRETARY, ADICHANALLOOR, KOLLAM-691573. -4-

6 THE VILLAGE OFFICER ADICHANALLOOR, KOLLAM-691573. 7 THE DISTRICT TOWN PLANNER KOLLAM-691573, 8 TAHSILDAR TALUK OFFICE, KOLLAM-691001. 9 ODANAVATTOM VIJAYAPRAKASH SANTHA VILASAM, ODANAVATTOM P.O., KOLLAM-691573. BY ADVS. SRI. K. P. HARISH, SR. GP. APARNA

MENON SRI.M.V.THAMBAN SRI.R.REJI SMT.THARA THAMBAN  
SRI.ARUN BOSE SRI.B.BIPIN THIS WRIT APPEAL HAVING COME UP  
FOR ADMISSION ON 21.12.2022, ALONG WITH WA.1564/2015 AND  
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING: -5-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE  
MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI  
P.CHALY WEDNESDAY, THE 21ST DAY OF DECEMBER 2022 / 30TH  
AGRAHAYANA, WA NO. 1742 OF 2015 AGAINST THE JUDGMENT  
WPC 5421/2011 OF HIGH COURT OF KERALA APPELLANT/S: 1  
PARISTHITHI SAMRAKSHANA EKOPANA SAMITHI REPRESENTED  
BY THE CONVENER, ODANAVATTOM VIJAYA PRAKASH,  
PARISTHITHI-, SAMRAKSHANA EKOPANA SAMITHI, KOLLAM-691  
512. 2 M.R.OMANA KUNJAMMA MELLAKKAL VEEDU, PLAKKADU,  
ADHICHANALLOOR P.O.,, KOLLAM-691 573 BY ADV  
SRI.KALEESWARAM RAJ APARNA MENON RESPONDENT/S:

1 UNION OF INDIA REPRESENTED BY SECRETARY TO  
GOVERNMENT, DEPARTMENT OF MINISTRY OF ENVIRONMENTAL  
FOREST, NEW DELHI-110 001. 2 STATE OF KERALA REPRESENTED  
BY SECRETARY TO GOVERNMENT, DEPARTMENT OF, FOREST,  
SECRETARIAT, THIRUVANANTHAPURAM-695 001. 3 KERALA  
STATE BIO-DIVERSITY BOARD REPRESENTED BY CHAIRMAN,  
KERALA STATE, BIO- DIVERSITY BOARD,  
THIRUVANANTHAPURAM-695 001 4 KERALA STATE COASTAL  
ZONE MANAGEMENT AUTHORITY, REPRESENTED BY THE  
CHAIRMAN,, KERALA STATE COASTAL ZONE MANAGEMENT  
AUTHORITY, PATTOM, THIRUVANANTHAPURAM-695-004. 5 THE  
DISTRICT COLLECTOR KOLLAM-691 001. -6-

6 THE REVENUE DIVISIONAL OFFICER KOLLAM-691 001. 7 QUILON EDUCATIONAL TRUST REPRESENTED BY ITS CHAIRMAN, SRI.NOWFAL @ MOHAMMED NOWFAL,, PATTATHIL, AYATHIL P.O., KOLLAM-691 017. 8 THE VILLAGE OFFICER ADICHANALLOOR P.O.ADICHANALLOOR, KOLLAM DISTIRCT-691 573. 9 ADICHANALLOOR GRAMA PANCHAYAT REPRESENTED BY THE SECRETARY, ADICHANALLOOR, GRAMA PANCHAYAT, ADICHANALLOOR P.O.,, KOLLAM DISTRICT-691 573. 10 SUB INSPECTOR OF POLICE CHATHANNUR-691 572. 11 CIRCLE INSPECTOR OF POLICE CHATHANNUR-691 572. 12 SUPERINTENDENT OF POLICE KOLLAM-691 001. 13 CHIEF TOWN PLANER THIRUVANANTHAPURAM-695 001 14 THE AGRICULTURAL OFFICER KRISHI BHAVAN, ADHICHANELLOR,, KOLLAM DISTRICT-691 573. BY ADVS. SRI.M.P.PRAKASH, SC, KCZMA K. P. HARISH, SR. GP. T. M. CHANDRAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21.12.2022, ALONG WITH WA.1564/2015 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -7-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI P.CHALY WEDNESDAY, THE 21ST DAY OF DECEMBER 2022 / 30TH AGRAHAYANA, WA NO. 1909 OF 2015 AGAINST THE JUDGMENT WPC 22890/2011 OF HIGH COURT OF KERALA APPELLANT/S: ODANAVATTOM VIJAYA PRAKASH SANTHA VILASAM, ODANAVATTOM P.O., KOLLAM-691 512. BY ADV SRI.KALEESWARAM RAJ APARNA MENON RESPONDENT/S:

1 QUILON EDUCATIONAL TRUST REPRESENTED BY ITS CHAIRMAN, SRI.NOWFAL, PATTATHIL,AYATHIL P.O., KOLLAM-691 017. 2 NOUFAL S/O. ABDUL SALAM, PATTATHIL, AYATHIL POST,

KOLLAM-691 017. 3 THE SUB DIVISIONAL MAGISTRATE KOLLAM. 4 THE AGRICULTURAL OFFICER KRISHI BHAVAN, ADHICHANELLOOR, KOLLAM-691 573. 5 LOCAL LEVEL MONITORING COMMITTEE REPRESENTED BY CHAIRMAN AND PRESIDENT OF THE ADICHANALLOOR GRAMA PANCHAYAT, ADICHANALLOOR, KOLLAM-691 573. 6 DISTRICT LEVEL AUTHORISED COMMITTEE REPRESENTED BY REVENUE DIVISIONAL OFFICER, KOLLAM. 7 ADHICHANALLOOR GRAMA PANCHAYAT REPRESENTED BY THE SECRETARY, ADHICHANALLOOR GRAMA PANCHAYAT, ADHICHANALLOOR P.O., KOLLAM-691 573. -8-

8 THE VILLAGE OFFICER ADICHANALLOOR P.O., ADICHANALLOOR, KOLLAM-691 573. 9 THE TOWN PLANNER ADICHANALLOOR, KOLLAM-691 573. 10 THE TAHSILDAR TALUK OFFICE, KOLLAM. BY ADVS. SRI.T.M.CHANDRAN SRI.S.SUJITH K. P. HARISH, SR. GP. THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21.12.2022, ALONG WITH WA.1564/2015 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -9-

## **JUDGMENT**

[W. A. Nos. 1564, 1576, 1742 & 1909 of 2015]

**Shaji P. Chaly, J.**

The captioned writ appeals arise out of a common judgment of the learned Single Judge in W. P. (C) Nos. 5421 and 22890 of 2011, and 16706 of 2014.

2. Quilon Educational Trust, the appellant in W. A. Nos. 1564

and 1576 of 2015, is the petitioner in W. P. (C) No. 22890 of 2011, and the other writ petitions are filed by the Paristhithi Samrakshana Ekopana Samithi, which is the appellant in W. A. No. 1742 of 2015. W. A. No. 1909 of 2015 is filed by the 9 th respondent in W. P. (C) No. 22890 of 2011. In the writ petitions filed by the

Paristhithi Samrakshana Ekopana Samithi and another, they are seeking to quash Exts. P8 and P9 building permits dated 07.02.2011 issued by the Adichanalloor Grama Panchayat, and Ext. P14 certificate issued by the Local Level Monitoring Committee represented by the Agricultural Officer, Krishi Bhavan, Kollam dated 30.12.2010, showing the status of several properties belonging to the Quilon Educational Trust, -10- Vadakkevila Village, Kollam District, and for other related reliefs.

### 3. The basic contention advanced by the Paristhithi Samrakshana

Ekopana Samithi is that the properties to which building permit is granted by the Secretary of the Adichanalloor Grama Panchayat are paddy fields, and therefore, construction is prohibited as per Section 14 of the Kerala Conservation of Paddy Land and Wetland Act, 2008; though the Quilon Educational Trust, the appellant in the two appeals specified above, has contended that the Secretary of the Grama Panchayat grants the permit, after taking into account the condition of the land and the purpose for which the land is required to be utilized, to establish an Engineering College. In fact, in the writ petitions filed by the Paristhithi Samrakshana Ekopana Samithi, issues with respect to notification issued by the coastal Zone Management Authority were also raised.

4. Learned Single Judge, after considering the rival submissions, has rendered the impugned common judgment dated 20.05.2015, as follows:- 10. For convenience of discussion, the petitioners in WP(C) No.22890/2011 can be referred to as, "the Trust". The petitioners -11- in the other writ petitions can be referred to as, "the local residents".

### 11. The Trust is intending to start an engineering college; and

for that purpose, they started the construction of certain buildings in the property owned by them. The local residents opposed the construction on the ground that majority of the land, on which the construction is made, is paddy field; and the construction was in violation of the provisions of the Kerala Paddy Land and Wet Land Act as well as the

Coastal Zone Regulations. It appears from the pleadings that the local authority has granted permission. This, according to the local residents, is incompetent, because, an act, which would not have been permitted as per the provisions of the Kerala Paddy Land and Wet Land Act as well as the Coastal Zone Regulations, has been granted by the local authority. The Sub Divisional Magistrate, Kollam, as per Ext.P9

**order produced in WP(C) No.22890/2011, stopped the further**

construction. However, this was subject to the approval of the project by the State Level Monitoring Committee and clearance from the Kerala State Coastal Zone Management Authority. Therefore, it is open to the Trust to bring their contentions before the State Level Monitoring Committee through a proper petition.

12. It can be seen from Ext.P6 in WP(C) No.16706/2014 that

the Kerala State Coastal Zone Management Authority has granted clearance to the project. This is put to challenge by the local residents on the ground that the said order was passed in

**their absence. However, it can be seen that as per Ext.P6 order**

produced in that case, the Kerala Coastal Zone Management -12-

Authority has forwarded the matter to the National Coastal Zone Management Authority, which is the 4th respondent in WP(C) No.16706/2014. As the grievance of the local residents against Ext.P6 in the aforesaid writ petition is that they were not afforded an opportunity of being heard before the impugned order was passed, the said grievance can be redressed by directing the National Coastal Zone Management Authority to take a final decision in the matter after affording the local residents and the Trust an opportunity of being heard in the matter.

Therefore, the writ petitions are disposed of as under; The Trust [the petitioners in WP(C) No.22890/2011] shall approach the

Search Results Kerala State Level Monitoring Committee with a proper petition bringing the local residents, who are the petitioners in other writ petitions, in the party array for clearance for the project. The petition to this effect shall be filed within a period of one month from today along with copies of the aforesaid writ petition and this judgment.

In the event of filing such a petition by the Trust, the Kerala State Level Monitoring Committee, on the strength of this judgment, shall afford the Trust [the petitioners in WP(C) No.22890/2011] and the local residents [the petitioners in WP(C) Nos.5421/2011 & take a final decision in the matter. -13-

The National Coastal Zone Management Authority [the 4th respondent in WP(C) No.16706/2014] is directed to hear the Trust [the petitioners in WP(C) No.22890/2011] as well as the local residents [the petitioners in WP(C) Nos.5421/2011 & 16706/2014] before granting clearance to the project as recommended in Ext.P6 in WP(C) No.16706/2014 by the Kerala State Coastal Zone Management Authority. A final decision in the matter shall be taken within a period of three months from the date of receipt of a copy of this

## **judgment before the Coastal Zone Management**

Authority.

5. It is thus challenging the legality and correctness of the

**judgment of the learned Single Judge, instant writ appeals are filed.**

6. When the appeals were posted before a Honble Division Bench of this Court, on 16.08.2019, the following order was passed:-

These matters relate to the proposed engineering college of the Quilon Educational Trust within the local limits of the Revenue Divisional Officer,

Adichanelloor Village, in Kollam District. The local residents and environmental protection group in Kollam have contended that the site of the project is included in the data bank and therefore, the same cannot be used for construction, in breach of the provisions of the Kerala Conservation of Paddy and Wetland Act, 2008 (2008 Act' for -14-

short). Violation of the Coastal Zone Regulation is also alleged, in the proceeding.

2. The Trust however contend that the area is converted

paddy land Considering the nature of the factual dispute, we deem it appropriate to direct the Quilon Educational Trust to approach the Agricultural Officer, Adichanelloor Village in Kollam District, with an application for obtaining the satellite image for the project area, from the Kerala State Remote Sensing and Environment Centre (KSREC). On receiving the instructions from the Agricultural Officer, the Trust shall remit the necessary fee payable to the KSREC, for obtaining the satellite image. The Agricultural Officer shall thereupon forward the application together with the fees to the KSREC for obtaining the satellite image reports from the said agency. The KSREC shall ensure that the satellite image report pertaining to the project area are made available to the Agricultural Officer within a month from the date of receipt of the application from the Agricultural Officer. Thereafter the Local Level Monitoring Committee (LLMC) of which the Agricultural Officer is the Convenor, shall submit a report before this Court based on the KSREC report, stating clearly as to whether or not the land belonging to the Trust and on which the construction is proposed, was paddy land or wetland as on the date of coming into force of the 2008 Act.

7. In compliance with the directions issued, a report is submitted

by the Kerala State Remote Sensing and Environment Centre (KSREC), the State nodal agency for remote sensing applications -15- under the Department of Planning and Economic Affairs, on the basis of a request from the Agricultural

Officer, Adichanalloor dated 16.09.2019; which is produced along with a statement dated 16.08.2019 filed by the Agricultural Officer, Adichanalloor, Kollam, from where the land use pattern is clearly discernible; relevant portion of which reads as follows:

3. In compliance with the aforesaid direction of this Honble Court, field inspection was conducted and the matter was considered by the LLMC meeting held on 20.1.2010. Wherein, it was concluded that; a) The survey numbers under Block 29 such as 94/23, Dry Lands under village records and are not included in the published data back of the Adichanalloor Grama Panchayath. b) The Survey numbers 94/8 and 92/4 are dry lands as per village records but are seen to be included in the data bank. The LLMC decided to exclude these survey numbers from the data bank as they are erroneously included and necessary corrections would be carried out in the published data back in due course. -16- c) It was evident from the KSREC reports and field visits that the survey numbers 94/7, 94/3 and 94/4/3 and were converted before 2008 and the LLMC decided to exclude these survey numbers from the existing data bank. d) It was decided by the LLMC to retain the survey numbers are seen to be water logged and low lying areas with environmental importance. e) The survey number 97/19 has no mention in the revenue records and hence the LLMC could not make any decisions in this regard.

4. Further, as directed by order dated 16.08.2019 report from the KSREC has obtained;

a) Landuse/ cover change detection report and maps of the survey plots 94/3, 94/4, 94/7, 94/8, 94/12, 94/13 and 94/14 in Adichanalloor Village, Kollam Taluk is produced herewith and marked as Annexure R2(a). b) Landuse/cover change detection report and maps of the survey plots 92/2, 92/4 and 92/6 14 in Adichanalloor Village, Kollam Taluk is produced herewith and marked as Annexure R2(b). c) Landuse/cover change detection report and maps of the survey plots 91/7 in Adichanalloor Village, Kollam Taluk is -17- produced herewith and marked as Annexure R2(c). d) Landuse/cover change detection report and maps of the survey plots 95/25 in Adichanalloor Village, Kollam Taluk is produced herewith and marked as Annexure R2(d). e) Landuse/cover change detection

report and maps of the survey plots 98/7 in Adichanalloor Village, Kollam Taluk is produced herewith and marked as Annexure R2(e). f) Landuse/cover change detection report and maps of the survey plots 95/5, 95/8, 95/9, 95/10, 95/12, 95/13, 95/14 and herewith and marked as Annexure R2(f). g) Landuse/cover change detection report and maps of the survey plots 97/3, 97/4, 97/6, 97/7, 97/8, 97/11, 97/15, produced herewith and marked as Annexure R2(g). h) Landuse/cover change detection report and maps of the survey plots 90/2, 90/3, 90/5, 90/6, 90/7, 90/9, 90/10, 90/11, Kollam Taluk is produced herewith and marked as Annexure R2(h).

8. On an analysis of the said statement and the report, it is clear

that some of the properties are remaining as paddy fields; some are dry lands, and some are dry lands wrongly included in the data bank. It is -18- also evident that suo moto action is being initiated to remove certain lands wrongly included in the data bank. In fact, if the properties are included in the data bank prepared by the Local Level Monitoring Committee as per the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008, necessary application/applications would have to be filed for removal of the property from the data bank.

9. With effect from 30.12.2017, as per the proviso to Section

5(4) of Act 2008, the Revenue Divisional Officer concerned is the authority to consider applications for removal of the property from the data bank. However, till 30.12.2017, in order to use a paddy field for other purposes other than agricultural activities and paddy cultivation, the authority under the Kerala Land Utilization Order, 1967, alone had the power to grant permission. But consequent to the introduction of Section 27A on and with effect from 30.12.2017, if a property is not included in the data bank as per the provisions of Act 2008, it remains as an unnotified land, and the authority constituted thereunder alone is vested with powers to grant permission for utilization of the property for other purposes, other than paddy cultivation.

10. It is evident from the report of the remote sensing agency and

-19- the statement of the Agricultural Officer that some of the properties are dry lands, some of the properties are paddy lands included in the data bank, and some of the properties are not included in the data bank, but remaining in the village / revenue records as paddy field. Therefore, if the properties are included in the data bank as paddy field, and those properties which are not included in the data bank, but remaining in the village / revenue records as paddy field, can only be utilized for other purposes other than paddy cultivation and agricultural operations after securing necessary permission from the statutory authorities under the Act 2008.

11. In fact, Section 14 of Act 2008 creates a clear prohibition,

precluding the local body from granting any license or permit under the Kerala Municipality Act, 1994, and the Kerala Panchayat Raj Act, 1994, for carrying out any activity or construction in a paddy land or a wetland, or an unnotified land, nature of which has been changed in contravention of the provisions of the Act; converted or reclaimed in contravention of the provisions of the Act.

12. Therefore, so far as the dry lands are concerned, the

Secretary of the local body was at liberty to grant permit, however, the -20- properties which are included in the data bank and the properties which are remaining in the village / revenue records as paddy field, could not have been granted with permission for construction of any buildings other than as provided under the Act 2008.

13. Therefore, after having heard learned counsel for the

appellants Sri. T. M. Chandran and Smt. Aparna Menon, learned Senior Government Pleader Sri. K. P. Harish, and learned Standing Counsel for the Kerala State Coastal Zone Management Authority Sri. M. P. Prakash, and perusing the pleadings and material on record, we are of the view that the writ appeals can be disposed of with appropriate directions.

14. The Quilon Educational Trust and its officials are given the

liberty to approach the statutory authority, in terms of the provisions of Act 2008, and seek removal of the property from the data bank; and for permission for utilization of the unnotified paddy field for other purposes, other than paddy cultivation and agricultural operations. If any such applications are filed, the same shall be considered by the authorities under the Act 2008, in accordance with law, at the earliest possible time. -21-

#### 15. Learned Standing Counsel for the Kerala Coastal Zone

Management Authority Sri. M. P. Prakash, submitted that already a certificate is issued by the Coastal Zone Management Authority in favour of the Quilon Educational Trust. If enabling orders are produced by the Quilon Educational Trust and its officials, from the statutory authority as said above, along with any application for building permits, the same shall be considered by the Secretary of the Adichanalloor Grama Panchayat, at the earliest, in accordance with the law. Writ appeals are disposed of as above. Sd/- S. MANIKUMAR CHIEF JUSTICE  
Sd/- SHAJI P. CHALY JUDGE Eb ///TRUE COPY/// P. A. TO JUDGE

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