

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**TUESDAY, THE 30TH NOVEMBER 2010 / 9TH AGRAHAYANA 1932**

**WP(C).No. 35089 of 2010(I)**  
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**PETITIONERS:**  
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- 1. G.THULASEEDHARAN,  
KAROOR VALIYA PUTHENVEEDU, INCHIKADU MURI,  
MYLOM VILLAGE, KOTTARAKKARA TALUK,  
KOLLAM DISTRICT.**
- 2. SANTHAKUMARI, W/O. THULASEEDHARAN,  
KAROOR VALIYA PUTHENVEEDU, INCHIKADU MURI,  
MYLOM VILLAGE, KOTTARAKKARA TALUK,  
KOLLAM DISTRICT.**

**BY ADVS. SRI.M.V.THAMBAN  
RI.R.REJI  
SMT.THARA THAMBAN  
SRI.B.BIPIN**

**RESPONDENTS:**  
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- 1. STATE OF KERALA, REPRESENTED BY THE  
SECRETARY TO THE GOVERNMENT, DEPARTMENT OF  
REVENUE, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR, KOLLAM-691 001.**
- 3. THE REVENUE DIVISIONAL OFFICER, KOLLAM-691 001.**
- 4. THE TAHSILDAR, TALUK OFFICE, KOTTARAKKARA-691 506.**
- 5. THE VILLAGE OFFICER, VILLAGE OFFICE, MYLOM  
KOTTARAKKARA-691 506.**
- 6. THE AGRICULTURAL OFFICER,  
KRISHI BHAVAN, MYLOM, KOTTARAKKARA-691 506.**

**BY GOVERNMENT PLEADER, SRI.P.N.SANTHOSH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30/11/2010, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**VK**

**ANTONY DOMINIC, J.**

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W.P.(C) No. 35089 of 2010 I  
.....

Dated this the 30<sup>th</sup> day of November, 2010

**J U D G M E N T**

In this writ petition, challenge is against Exts.P6 and P9.

2. Ext.P6 is an order passed by the District Collector rejecting an application made by the petitioner, seeking permission under Act 28 of 2008 for reclamation of a plot of land, which according to the petitioner, is for restoring the same into a paddy field. On rejection of his application, he filed Ext.P7 revision to the Government which is also rejected by Ext.P9 order.

3. Going by the pleadings in this writ petition, the endeavour of the petitioner is to restore the land from which clay was mined into a paddy field by filling up the pits. When the matter came up for admission on 23-11-2010, this Court directed the counsel for the petitioner to obtain instructions about the purpose for which the land is sought to be

reclaimed. On instructions, today, the counsel for the petitioner submits that the purpose is to restore the land and use the same as a paddy field for paddy cultivation.

4. If as stated by the counsel for the petitioner, the intention of reclamation is to restore the land and to resume paddy cultivation in the land, I see no reason why the request of the petitioner shall not be favourably considered. Therefore, I am inclined to think that the application made by the petitioner needs to be reconsidered by the District Collector. In order to enable the District Collector to do so, I quash Exts.P6 and P9.

5. The writ petition will therefore stand disposed of directing that, within two weeks from today, the petitioner shall, along with a copy of this judgment, file a notarised affidavit before the District Collector unconditionally undertaking that in the event the application is allowed and the land is permitted to be reclaimed, the land will be used only for paddy cultivation and that the land will not be diverted

for any other purpose. Once such an affidavit is filed, the District Collector will reconsider the application made by the petitioner and pass orders thereon immediately, taking note of the undertaking so filed. It is made clear that in the event the land is reclaimed and any violation is committed by the petitioner thereafter, it will be open to the authorities to initiate action including prosecution against the petitioner.

Sd/-  
**(ANTONY DOMINIC, JUDGE)**

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*P.A. To Judge*