

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR**

**TUESDAY, THE 31ST DAY OF JULY 2012/9TH SRAVANA 1934**

**WP(C).No. 10692 of 2012 (J)**  
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**PETITIONER:**  
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**MURALEEDHARAN,  
S/O.APPUKUTTAN, EDIYAMPOTTA, AYILUR P.O,  
NEMMARA, PALAKKAD.**

**BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL).**

**RESPONDENTS:**  
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- 1. AGRICULTURE OFFICER,  
KRISHI BHAVAN, AYILUR, PALAKKAD – 678 510.**
- 2. VILLAGE OFFICER,  
AYILUR VILLAGE, AYILUR, PALAKKAD-678 510.**
- 3. AYILUR GRAMA PANCHAYATH,  
PALAKKAD DISTRICT,  
REP. BY ITS SECRETARY-678 510.**
- 4. THE DISTRICT COLLECTOR,  
PALAKKAD-678 001.**

**R1, R2 & R4 BY GOVERNMENT PLEADER SRI. K.C. VINCENT.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31-07-2012, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- EXT.P1: A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19/4/2012 ISSUED FROM THE 2ND RESPONDENT'S OFFICE.**
- EXT.P1(A): A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19/4/2012 ISSUED FROM THE 2ND RESPONDENT'S OFFICE.**
- EXT.P1(B): A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19/4/2012 ISSUED FROM THE 2ND RESPONDENT'S OFFICE.**
- EXT.P1(C): A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19/4/2012 ISSUED FROM THE 2ND RESPONDENT'S OFFICE.**
- EXT.P2: TRUE COPY OF THE COMMUNICATION DATED 16/1/2012 ISSUED BY THE JOINT DIRECTOR OF AGRICULTURE, THRISSUR TO THE PETITIONER.**
- EXT.P3: TRUE COPY OF THE COMMUNICATION DATED 16/1/2012 ISSUED BY THE JOINT DIRECTOR OF AGRICULTURE, THRISSUR TO THE PETITIONER'S SON.**
- EXT.P4: TRUE COPY OF THE STOP MEMO DATED 30/3/2012 ISSUED BY THE 2ND RESPONDENT.**
- EXT.P5: TRUE COPY OF THE LETTER DATED 16/4/2012 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.**
- EXT.P6: TRUE COPY OF THE LETTER DATED 16/4/2012 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER'S SON.**
- EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 4/4/2012 PREFERRED BY THE PETITIONER.**

**RESPONDENTS' EXHIBITS: NIL.**

**//TRUE COPY//**

**P.A. TO JUDGE.**

**Prv.**

**T.R.RAMACHANDRAN NAIR, J.**

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**W.P.(C)No.10692 Of 2012**  
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**DATED THIS THE 31<sup>st</sup> DAY OF JULY, 2012**

**JUDGMENT**

The petitioner is seeking for a direction to quash Exhibits P4 to P6.

2. This is a case where the petitioner is an agriculturist by profession and he along with his wife and children are having 12 Acres of land in Ayilur Village, Palakkad District. It is stated that the petitioner was using the neighbours drying yard for processing and storing of the rice gathered from his paddy cultivation. For having a drying yard, the petitioner duly applied for approval of the Joint Director of Agriculture and for the said project Rs.60,000/- have been sanctioned as subsidy. These communications have been produced as Exhibits P2 and P3. But, when the petitioner started the construction activities, a stop memo was issued by the Village Officer as per Exhibit P4. The petitioner was directed by the Panchayat to apply before the Agricultural Officer in the light of the provisions of the Kerala Conservation of Paddy Land and Wet Land Act and the Rules.

Exhibit P7 is said to be an application submitted before the Agricultural Officer.

3. The learned counsel for the petitioner submits that since the harvesting of paddy is expected within a short period, unless urgent orders are directed to be issued, the petitioner will be put in difficulty. It is submitted that there is no justification in delaying the matter, since the petitioner has obtained the permission after completing all the formalities including site inspection, preparation of location sketch and other details.

4. The learned Government Pleader submitted that the area involved is a paddy field and it is in those circumstances that the stop memo was issued.

5. In fact going by the definition of 'paddy land' under Section 2(xii) of the Kerala Conservation of Paddy Land and Wet Land Act and the Rules, it includes allied constructions like bunds, drainage channels, ponds and canals. Herein what is thought of is the construction of a drying yard. Evidently, the agriculturists can effectively conduct their agricultural operations only if such facilities are there. The petitioner has already obtained permission from the Kerala State Seed Development Authority.

But, still, it is upto the Agricultural Officer and other functionaries under the Wet Land Act to consider whether it conforms with the provisions of the Wet Land Act. The object and purpose of the Act is to prevent reclamation of paddy and wet land. Promotion of paddy cultivation and allied matters should get proper attention also.

6. The petitioner is an agriculturist and paddy cultivation is done by him in an extensive area of 12 Acres. Therefore, evidently, for doing the paddy cultivation such facilities are required also. These aspects will be considered by the Agricultural Officer before whom Exhibit P7 has been filed. Appropriate decision will be taken in the light of the proceedings Exhibits P2 and P3 within a period of two weeks from the date of production of a copy of this judgment, along with a copy of the Writ Petition by the petitioner.

The Writ Petition is disposed of as above.

**Sd/-(T.R.RAMACHANDRAN NAIR, JUDGE)**

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