

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

**PRESENT**

**THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN**

**WEDNESDAY, THE 31<sup>ST</sup> DAY OF AUGUST 2022 / 9TH BHADRA, 1944**

**WP(C) NO. 20567 OF 2022**

**PETITIONER/S:**

ABDUL AZEEZ K.,  
AGED 44 YEARS  
KARUTHEDATH HOUSE, KOTTOOR, INDIANOR, MALAPPURAM-  
676 503.

BY ADVS.  
AUGUSTINE JOSEPH  
TONY AUGUSTINE

**RESPONDENT/S:**

- 1 REVENUE DIVISIONAL OFFICER,  
TIRUR, MALAPPURAM-676 101.
- 2 THE DISTRICT COLLECTOR,  
CIVIL STATION, DOWN HILL, MALAPPURAM-676 519.
- 3 THE DISTRICT LEVEL AUTHORIZED COMMITTEE,  
CONSTITUTED UNDER THE KERALA CONSERVATION OF PADDY  
LAND AND WET LAND ACT, 2008, REPRESENTED BY THE  
REVENUE DIVISIONAL OFFICER, TIRUR, MALAPPURAM-676  
101.
- 4 THE LOCAL LEVEL MONITORING COMMITTEE,  
CONSTITUTED UNDER THE KERALA CONSERVATION OF PADDY  
LAND AND WET LAND ACT, 2008, REPRESENTED BY ITS  
CONVENER, AGRICULTURAL OFFICER, KOTTAKKAL,  
MALAPPURAM-676 501.
- 5 THE AGRICULTURAL OFFICER,

KRISHI BHAVAN, KOTTAKKAL, MALAPPURAM-676 501.

6 THE DIRECTOR,  
KERALA STATE REMOTE SENSING AND ENVIRONMENT CENTRE,  
VIKAS BHAVAN, THIRUVANANTHAPURAM-695033.

SRI.ASHWIN SETHUMADHAVAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31.08.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

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**W.P.(C) No.20567 of 2022**  
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**Dated this the 31<sup>st</sup> day of August, 2022**

### **JUDGMENT**

The above writ petition is filed with following prayers :

- "i. Call for the records relating to Ext.P8.*
- ii. Issue a writ of certiorari to quash Ext.P8.*
- iii. Issue a writ of mandamus or any other writ, order or direction to the 1<sup>st</sup> respondent to conduct a physical inspection of land and reconsider Ext.P8 order.*
- iv. Issue a writ of mandamus or any other writ, order or direction to the 1<sup>st</sup> respondent to take appropriate action for removal of land of the petitioner from data bank as applied in Ext.P7 application and grant permission to construct a residential building in the property.*
- v. Issue a writ of mandamus or any other writ, order or direction to the 1<sup>st</sup> respondent to change the category of land of the petitioner in the revenue records.*
- vi. Issue such other writs, orders, directions including*

*interim orders deem fit in the circumstances of the case.*

*vii. Allow this writ petition with costs.” [SIC]*

2. The petitioner is challenging Ext.P8 order passed in a Form-5 application filed as per Kerala Conservation of Paddy Land and Wetland Rules. The grievance of the petitioner is that the Revenue Divisional Officer without inspecting the property passed Ext.P8 order.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. A perusal of Ext.P8 order would show that the Revenue Divisional Officer inspected the property before passing the order. The counsel for the petitioner also submitted that the KSREC report is not properly considered by the Revenue Divisional Officer. If that is the case, the matter can be send back to the Revenue Divisional Officer for reconsideration after giving an opportunity of hearing to the

petitioner and to inspect the property with notice to the petitioner.

Therefore, this writ petition is allowed in the following manner :

- 1) Ext.P8 is set aside.
- 2) The 1<sup>st</sup> respondent is directed to inspect the property with notice to the petitioner and thereafter consider the Form-5 application after giving an opportunity of hearing to the petitioner as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

SD/-  
**P.V.KUNHIKRISHNAN**  
**JUDGE**

**APPENDIX OF WP(C) 20567/2022**

PETITIONER EXHIBITS

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|------------|---|
| Exhibit P1 | TRUE COPY OF THE POSSESSION CERTIFICATE OF THE LAND DATED 23.9.2020 ISSUED FROM THE VILLAGE OFFICER, KOTTAKKAL TO THE PETITIONER. |
| Exhibit P2 | TRUE COPY OF THE LAND TAX RECEIPT OF THE SAID PROPERTY DATED 19.5.2020 FROM THE VILLAGE OFFICER, KOTTAKKAL.                       |
| Exhibit P3 | TRUE COPY OF THE LETTER DATED 24.9.2016 FROM THE VILLAGE OFFICER, KOLLAKKAL .   |
| Exhibit P4 | TRUE COPY OF THE LETTER DATED 05.01.2019 FROM THE MUNICIPALITY OF KOTTAKKAL.  |
| Exhibit P5 | TRUE COPY OF THE CERTIFICATE DATED 26.10.2016 FROM THE VILLAGE OFFICER, KOTTAKKAL.,   |
| Exhibit P6 | TRĀŠE COPY OF THE GOVERNMENT ORDER DATED 25.02.2021.  |
| Exhibit P7 | TRUE COPY OF THE APPLICATION DATED 6.7.2021.  |
| Exhibit P8 | TRUE COPY OF THE ORDER DATED 4.4.2022 OF THE 1ST RESPONDENT.  |
| Exhibit P9 | TRUE COPY OF THE SATELLITE MAP AND REMOTE SENSE REPORT ALONG WITH THE COVER LETTER DATED 21.5.2022 FROM THE 5TH RESPONDENT.       |