

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 29<sup>TH</sup> DAY OF JULY 2022 / 7TH SRAVANA, 1944

WP(C) NO. 24476 OF 2022

PETITIONER:

SANTHOSH  
S/O. CHACKO, AGED 46 YEARS,  
VELUTHEDATHUPARAMBIL HOUSE, EZHALLOORKARA,  
KUMARAMANGALAM VILLAGE, THODUPUZHA TALUK,  
EZHALLOOR.P.O-685 584.

BY ADVS.  
T.J.MICHAEL  
R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS:

- 1 THE REVENUE DIVISIONAL OFFICER  
IDUKKI, CIVIL STATION, PAINAVU P.O. IDUKKI, 685 603.
- 2 THAHSILDAR,  
THODUPUZHA, MINI CIVIL STATION, THODUPZHA -685584.
- 3 VILLAGE OFFICER,  
KUMARAMANGALAM VILLEGGE, VILLEGGE OFFICE,  
KUMARAMANGALAM P.O. THODUPUZHA, IDUKKI DT-685 552.
- 4 THE AGRICULTURAL OFFICER,  
KRISHI BHAVAN, KUMARAMANGALAM-685 552.

SRI.SYAMANTHAK B S, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 29.07.2022, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## **JUDGMENT**

Dated this the 29<sup>th</sup> day of July, 2022

The petitioner, who is owner of 16.19 Ares of land in Block No.9 of Kumaramangalam Village of Thodupuzha Taluk in Idukki District, has filed this writ petition seeking to direct the 1<sup>st</sup> respondent-Revenue Divisional Officer to consider and pass orders on Ext.P4 application within a time frame to be fixed by this Court.

2. The petitioner states that he is owner of 16.19 Ares of land situated in Survey No.407/7/1 in Block No.9 of Kumaramangalam Village, Thodupuzha Taluk in Idukki District. The land is a garden land. It is not cultivated with paddy. It is not fit for paddy cultivation either. However, the land is included in Data Bank and is described as 'Nilam' in Revenue records also.

3. The petitioner wants to use the land for other purposes. Hence, the petitioner filed Ext.P4 application in Form-5, invoking Rule 4(d) of the Kerala Conservation of Paddy Land

and Wetland Rules, 2008. The application was filed on 08.03.2022. The application is not disposed of so far. Unless the application is considered expeditiously, the petitioner will be put to untold hardship and loss, contends the petitioner.

4. The Government Pleader representing the respondents resisted the writ petition. The Government Pleader controverted all material allegations made by the petitioner, in the writ petition. The Government Pleader, however, submitted that since the petitioner has invoked a statutory remedy under the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008, the application submitted by the petitioner can be considered by the competent authority in accordance with law, provided the application is received, is complete in all respects and is supported by all necessary documents.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

6. The petitioner is owner of 16.19 Ares of land situated in Survey No.407/7/1 in Block No.9 of Kumaramangalam Village, Thodupuzha Taluk in Idukki District. The land is included in the Data Bank of paddy land and wetland prepared under Section 5(4)(i) of the Kerala Conservation of Paddy Land and Wetland Act, 2008. According to the petitioner, the land owned by him is neither paddy land nor wetland. The land is not suitable for paddy cultivation. The petitioner wants to use the land for other purposes and hence he has filed an application in Form-5 seeking to remove the land from Data Bank.

7. The Form-5 application has been filed by the petitioner invoking his statutory right under Rule 4(d) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008. The application being a statutory application, the competent authority has a legal duty to consider the application in accordance with law, within a reasonable time.

The writ petition is therefore disposed of directing the 1<sup>st</sup> respondent-Revenue Divisional Officer to consider Ext.P4 Form-5 application submitted by the petitioner if the same is received, supported by all requisite documents and paying prescribed fee, if any, and to pass orders thereon in accordance with law, within a period of three months.

**Sd/-**

**N.NAGARESH**

**JUDGE**

spk

APPENDIX OF WP(C) 24476/2022

PETITIONER EXHIBITS

- Exhibit P1                    A TRUE COPY OF THE TAX RECEIPT ISSUED  
BY THE KUMARAMANGALAM VILLEGE DATED 14-  
06-2021.
- Exhibit P2                    A TRUE COPY OF THE RELEVANT EXTRACT OF  
THE DATA BANK REGISTER PUBLISHED BY THE  
4TH RESPONDENT.
- Exhibit P3                    A TRUE COPY OF THE FORM 6 APPLICATION  
SUBMITTED BY THE PETITIONER TO 1ST  
RESPONDENT DATED 20/11/2021.
- Exhibit P4                    A TRUE COPY OF THE FORM -5 APPLICATION  
SUBMITTED BY THE PETITIONER BEFORE THE  
1ST RESPONDENT DATED 08-03-2022.
- Exhibit P5                    A TRUE COPY OF THE JUDGEMENT DATED 07-  
04-2022 IN W.P[C] NO.11510/2022 OF THIS  
HON'BLE COURT.

RESPONDENT'S/S EXHIBITS : NIL