

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945

WP(C) NO. 21717 OF 2023

PETITIONER:

AMINA BEEVI
AGED 63 YEARS
D/O. AMMUKUNJI, THALIKULAM HOUSE, KAIPAMANGALAM
KODUNGALLOOR, THRISSUR DISTRICT, PIN: 680 681.

BY ADVS.
K.R.VINOD
M.S.LETHA
NABIL KHADER
JOHN TONY AKKARA
CHITHRA C.EDADAN
MOHAMMED RAZALI K.A

RESPONDENTS:

- 1 STATE OF KERALA
REP. BY THE SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT ANNEX - II, THIRUVANANTHAPURAM,
PIN - 695 001.
- 2 THE DISTRICT COLLECTOR
THRISSUR DISTRICT, COLLECTORATE, THRISSUR,
PIN - 680 003.
- 3 THE TAHSILDAR
KONDUNGALLUR TALUK, TALUK OFFICE, 1ST FLOOR,
MINI CIVIL STATION, N.H. 17, STAR NAGAR,
PIN - 680 664.
- 4 THE REVENUE DIVISIONAL OFFICER
IRINJALAKUDA, CIVIL STATION ANNEXE, IRINJALAKUDA
PIN - 680 125.

- 5 THE SECRETARY
KAIPAMANGALAM GRAMA PANCHAYAT, KAIPAMANGALAM,
KERALA - 680681, PIN - 680 681.
- 6 THE PRINCIPAL AGRICULTURAL SOCIETY
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.

BY ADV
SMT.DEEPA N-SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 31.07.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of July, 2023

The petitioner is aggrieved by non-consideration of Ext.P2 Revision Petition filed by the petitioner under Section 28 of the Kerala Conservation of Paddy Land and Wetland Act, 2008. The petitioner is also aggrieved by non-consideration of Ext.P3 Stay Petition.

2. The pleadings in the writ petition would show that this Court by Ext.P4 judgment in W.P.(C) No.21561 of 2019 had directed the 6th respondent to consider and pass orders on Revision Petition. The petitioner submits that so far no orders have been passed.

3. Government Pleader, on instructions, submits that though there was a direction in Ext.P4, the competent Appellate Authority is the Principal Secretary and Agricultural Production Commissioner, Thiruvananthapuram. Perhaps that is the reason for not passing orders by the Appellate Authority.

4. Taking into consideration Ext.P4 judgment of this Court and the issue pointed out by the Government Pleader, I am of the view that the writ petition can be disposed of with appropriate directions.

The writ petition is therefore disposed of with the following directions:

(i) The Principal Secretary and Agricultural Production Commissioner, Thiruvananthapuram is *suo motu* impleaded as additional 7th respondent in this writ petition. Government Pleader takes notice for the additional 7th respondent.

(ii) There will be a direction to the 6th respondent to place the Revision Petition before the additional 7th respondent within a period of two weeks.

(iii) There will be a further direction to the additional 7th respondent-Agricultural Production Commissioner to pass appropriate orders on

Exts.P2 and P3 submitted by the petitioner within a further period of three months.

(iv) The petitioner shall serve a copy of the writ petition and a copy of this judgment on the additional 7th respondent for compliance.

**Sd/-
N.NAGARESH
JUDGE**

AMR

APPENDIX OF WP(C) 21717/2023

PETITIONER'S EXHIBITS

- | | |
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| Exhibit1 | THE COPY OF THE ORDER OF THE 2 ND
RESPONDENT DISTRICT COLLECTOR,
THRISSUR, BEARING NO. B11/2510/2017
DATED 01.07.2019. |
| Exhibit P2 | THE COPY OF THE MEMORANDUM OF REVISION
PETITION FILED BY THE PETITIONER HEREIN
BEFORE THE 1 ST 5 RESPONDENT HEREIN,
DATED 03.08.2019. |
| Exhibit P3 | THE COPY OF THE STAY PETITION FILED BY
THE PETITIONER HEREIN ALONG WITH THE
EXHIBIT P2 REVISION PETITION, DATED
03.08.2019. |
| Exhibit P4 | THE COPY OF THE JUDGMENT PASSED BY THE
HON'BLE HIGH COURT OF KERALA IN WP(C)
NO. 21561/2019 DATED 13.08.2019. |