

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 21ST DAY OF JULY 2014/30TH ASHADHA, 1936

WP(C).No. 18651 of 2014 (F)

PETITIONER(S) :

GIGI VARGHESE,  
AGED 48 YEARS,  
W/O.VARGHESE KOCHITTY,  
CHITTEZHATH HOUSE,  
NELLIMALA P.O.,  
PATHANAMTHITTA DISTRICT - 689 542.

BY ADVS.SRI.PAUL MATHEW  
SRI.MATHEWS K.UTHUPPACHAN

RESPONDENT(S) :

1. KOIPURAM GRAMA PANCHAYATH,  
PULLAD P.O.,  
PATHANAMTHITTA DISTRICT,  
PIN - 689 548,  
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,  
KOIPURAM GRAMA PANCHAYATH,  
PULLAD P.O.,  
PATHANAMTHITTA DISTRICT,  
PIN-689 548.
3. LOCAL LEVEL MONITORING COMMITTEE,  
KOIPURAM GRAMA PANCHAYATH,  
REPRESENTED BY ITS CONVENOR,  
AGRICULTURAL OFFICER, KRISHI BHAVAN,  
KOIPURAM, PULLAD P.O.,  
PATHANAMTHITTA DISTRICT,  
PIN-689 548.
4. STATE OF KERALA,  
THROUGH ITS SECRETARY,  
DEPARTMENT OF LOCAL SELF GOVERNMENT,  
SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
21-07-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs/

APPENDIX

PETITIONER(S) ' EXHIBITS

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- EXT. P1. TRUE COPY OF THE RECEIPT DATED 03/09/2013 FOR PAYMENT OF BASIC TAX ISSUED BY THE KOIPRAM VILLAGE OFFICER.
- EXT. P2. TRUE COPY OF THE APPLICATION DATED 12/12/2013 SUBMITTED BEFORE THE 1ST RESPONDENT.
- EXT. P3. TRUE COPY OF THE DECLARATION DATED 12/12/2013 SUBMITTED BY THE PETITIONER BEFORE THE LOCAL LEVEL MONITORING COMMITTEE.
- EXT. P4. TRUE COPY OF THE REPORT DATED 16/01/2014 SUBMITTED BY THE VILLAGE OFFICER.
- EXT. P5. TRUE COPY OF THE REPORT DATED 18/01/2014 SUBMITTED BY THE AGRICULTURAL OFFICER.

RESPONDENT(S) ' EXHIBITS:

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NIL.

/true copy/

P.A.TO JUDGE

rvs/

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 18651 of 2014**  
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**Dated this the 21<sup>st</sup> day of July, 2014**

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

The petitioner has come up before this Court alleging that Ext.P2 application submitted by the petitioner before the 1<sup>st</sup> respondent is kept pending without passing any orders.

2. The petitioner is the owner of 4.05 ares of land in Resurvey No.227/3/1/1 in Block No.21 in Koipram Village within the local limits of the respondent panchayath. The petitioner submitted an application before the 1<sup>st</sup> respondent for construction of a residential building. According to the petitioner, in the revenue records, the property is mentioned as 'paddy land' and in the draft data bank prepared by the monitoring committee constituted under the Kerala Conservation of Paddy Land and Wet Land Act, 2008, the same is mentioned as 'reclaimed paddy land'. The said property

..2..

was reclaimed about 20-25 years back and it is cultivated with coconut trees, areca nut and trees like teak etc. The petitioner submitted a declaration required under Rule 5 of the Kerala Conservation of Paddy Land and Wet Land Rules in Form no.1 since the property is mentioned as reclaimed paddy land. The petitioner's grievance is that though the Village Officer and the Agricultural Officer, who is the Chairman of the Local Level Monitoring Committee, inspected the property and the Agricultural Officer submitted a report and recommended for issuing building permit to the petitioner considering the aspect that the land is reclaimed and that the petitioner has no other land for constructing house, the 2<sup>nd</sup> respondent has not issued permit to the petitioner. It is with this background, the petitioner has come up before this Court.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the 1<sup>st</sup> respondent for consideration of Ext.P2 application within

a time frame.

4. Considering the nature of the relief sought for, this Court is of the view that this writ petition can be disposed of without issuing notice to the respondents.

Therefore, the writ petition is disposed of directing the 1<sup>st</sup> respondent to consider and pass appropriate orders on Ext.P2 application within a period of two weeks from the date of receipt of a copy of this judgment in the light of Exts.P4 and P5. To facilitate an early action, it shall be open to the petitioner to produce copies of this writ petition and judgment along with copies of Exts.P2, P4 and P5 before the 1<sup>st</sup> respondent at the earliest.

Sd/-  
**A.V. RAMAKRISHNA PILLAI,**  
**JUDGE**

bka/-