

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 14TH DAY OF SEPTEMBER 2023 / 23TH BHADRA, 1945

WP(C) NO. 29793 OF 2023

PETITIONER :

A.M.POULOSE, AGED 74 YEARS,
S/O A.P. MATHEW, AREECKAL HOUSE,
MEKKAVU, VAPPALASSERY P.O., ALUVA,
ERNAKULAM, PIN - 683 572

BY ADVS.
V.GANGADHARAN
C.PAULOSE

RESPONDENTS :

- 1 THE DISTRICT COLLECTOR, COLLECTORATE, 1ST FLOOR
KAKKANAD ERNAKULAM, PIN - 682 030
- 2 THE REVENUE DIVISIONAL OFFICER, X69V + 2HV,
FIRST FLOOR, K.B JACOB ROAD, FORT KOCHI,
ERNAKULAM, PIN - 682 001
- 3 THE TAHSILDAR, ALUVA TALUK OFFICE,
GROUND FLOOR, MINI CIVIL STATION, ALUVA,
ERNAKULAM DISTRICT, PIN - 683 101
- 4 THE VILLAGE OFFICER, NEDUMBASSERY MEKKADU P.O.,
ERNAKULAM DISTRICT, PIN - 683 589
- 5 THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
MEKKADU P.O NEDUMBASSEY, ERNAKULAM DISTRICT,
PIN - 683 589

BY SMT.DEVISHRI R., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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W.P.(C) No.29793 of 2023

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Dated this the 14th day of September, 2023

JUDGMENT

Petitioner is the owner of 27 Ares 45 Sq. Meters of land comprised in Survey No.587/11 in Nedumbassery Village, Aluva Taluk of Ernakulam District. Petitioner alleges that he had filed an application in Form 5 under the Kerala Conservation of Paddy Land and Wetland Rules, 2008 (for short 'the Rules'). Copy of the application submitted by the petitioner is produced as Ext.P4.

2. According to him, though the application was filed on 25.08.2022, neither the report has been submitted by the Agricultural Officer nor has any decision been taken by the 2nd respondent.(RDO)

3. Form 5 application filed by the petitioner is a statutory application as per Rule 4(d) of the Rules. The competent authorities, therefore, have a legal duty to consider the said application in accordance with law within a reasonable time.

4. Having heard Sri.V.Gangadharan, learned counsel for the petitioner and Smt.Devishri R., learned Government Pleader, I am of the view that this writ petition can be disposed of with a direction to take a

decision on Ext.P4 application in a time bound manner.

5. Accordingly, there will be a direction to the 5th respondent to submit a report as contemplated under Rule 4(e) of the Rules within a period of two months from the date of receipt of a copy of this judgment. Pursuant to receipt of the said report, the 2nd respondent shall take a decision on Ext.P4 application within four months thereafter. The timelines specified above shall be strictly complied with by the respective officers.

The writ petition is disposed of accordingly.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF WP(C) 29793/2023

PETITIONER'S EXHIBITS :

Exhibit P1	TRUE COPY OF THE TAX RECEIPT DATED 04.09.2023
Exhibit P2	THE POSSESSION CERTIFICATE DT. 28.03.2022 ISSUED BY THE VILLAGE OFFICER
Exhibit P3	TRUE COPY OF THE PUBLISHED DATA BANK OF NEDUMBASSERY GRAMA PANCHAYAT DULY SIGNED BY THE AGRICULTURAL OFFICER, NEDUMBASSERY
Exhibit P4	THE TRUE COPY OF THE FORM 5 APPLICATION DATED 25.08..2022 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
Exhibit P5(1)	THE PHOTOGRAPHS SHOWING THAT GROWING TREES AGED MORE THAN 50 YEARS IN AND AROUND THE PLOT WHICH IS ALSO ABUTTED TO NATIONAL HIGH WAY
Exhibit P5(2)	THE PHOTOGRAPHS SHOWING THAT GROWING TREES AGED MORE THAN 50 YEARS IN AND AROUND THE PLOT WHICH IS ALSO ABUTTED TO NATIONAL HIGH WAY
Exhibit P6	THE RECEIPT NO. KL07041711364/2022 DT. 25.08.2022 REMITTED RS. 100 THE REQUISITE FEE FOR FORM 5 APPLICATION