

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY ,THE 18TH DAY OF DECEMBER 2018 / 27TH AGRAHAYANA, 1940

WP(C) .No. 41061 of 2018

PETITIONER/S:

- 1 ASOKAN  
AGED 65 YEARS  
S/O.KONNAKUTTY, KALLATU HOUSE, THALIKKULAM,  
THRISSUR DISTRICT.
- 2 SANKARANARAYANAN  
AGED 71 YEARS  
S/O.KRISHNANKUTTY, CHEMBIPARAMBIL, THALIKKULAM,  
THRISSUR DISTRICT.

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENT/S:

- 1 THE REVENUE DIVISIONAL OFFICER  
OFFICE OF THE RDO, CIVIL STATION, THRISSUR - 680 001.
- 2 THE VILLAGE OFFICER  
VILLAGE OFFICE, CHEMBUKAVU,  
THRISSUR DISTRICT - 680 011.
- 3 THE AGRICULTURAL FIELD OFFICER  
CONVENOR LOCAL LEVEL MONITORING COMMITTEE, KRISHI  
BHAVAN, THRISSUR - 680 001.
- 4 THE TAHASILDAR (LAND RECORDS)  
TALUK OFFICE, THRISSUR.

SRI.MANURAJ,K.J,GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
18.12.2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

### **JUDGMENT**

Petitioners, owners of an extent of 0.2144 Hectors of dry land located in Sy.No.28/P of Chembukavu Village, Thrissur Taluk, were before this Court by filing W.P.(C) NO. 20807/2018 and secured Ext.P7 judgment dated 25.06.2018, whereby a direction was issued to the Sub Collector to consider the application submitted by the petitioner seeking permission for utilization of the property for other purposes other than paddy cultivation and agricultural operations. Thereupon application was considered and Ext.P8 order dated 08.10.2018 is passed declining permission assigning various reasons. No doubt, Ext.P8 is an appealable order before the Land Revenue Commissioner. I have gone through Ext.P8 order and finds that the findings are rendered by the Statutory Authority on the basis of various factual circumstances which is not expected to be interfered with by this Court at this stage of

the proceedings especially when there is a clear remedy available to the petitioners to prefer an appeal. However, yet another contention put forth by learned counsel for the petitioners is that not only that the permission was declined but also a further direction was issued to the Authorities under the Kerala Conservation of Paddy Land and Wet Land Act, 2008, to make necessary enquiries and identify whether any illegality is committed by the petitioner and take appropriate action.

2. In my considered view being a Head of the Revenue, if anything illegal has come to the notice of the said Authority, the Authority is definitely vested with powers to make any observations and issue direction to any Authorities to take appropriate action if any illegality is committed by a person in order to protect the interest of the Revenue. I do not find anything objectionable to the same and therefore, the writ petition is disposed of leaving open the liberty of the petitioners to approach the Appellate Authority in accordance with

law. Therefore if the petitioners are making any appeal within three weeks from the date of receipt of a copy of this judgment, it shall be considered by the Appellate Authority treating the same as within the time permitted under law and proceed in accordance with law.

The writ petition is disposed of, accordingly.

**Sd/-**

**SHAJI P.CHALY**

**JUDGE**

Hmh

**APPENDIX****PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY OF THE DOCUMENT NO.5113/1998 OF S.R.O., THRISSUR.
EXHIBIT P2	TRUE COPY OF THE LATEST LAND TAX RECEIPT IN RESPECT OF THE PETITIONER'S PROPERTY ISSUED BY THE VILLAGE OFFICER, CHEMBUKAVU VILLAGE,
EXHIBIT P3	TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, CHEMBUKAVU VILLAGE.
EXHIBIT P4	TRUE COPY OF LOCATION SKETCH ISSUED BY THE VILLAGE OFFICER.
EXHIBIT P5	TRUE COPY OF THE COMMUNICATION ISSUED BY THE AGRICULTURAL FIELD OFFICER.
EXHIBIT P6	TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT UNDER CLAUSE 6(2) OF THE KLU ORDER.
EXHIBIT P7	TRUE COPY OF THE JUDGMENT DATED 25/6/2018 IN W.P.(C) NO.20807/2018.
EXHIBIT P8	TRUE COPY OF THE ORDER NO.D1-10254/2018 DATED 8/10/2018 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT P9	TRUE COPY OF THE AGREEMENT DATED 09/09/1994 EXECUTED BY THE PETITIONERS.
EXHIBIT P10	TRUE COPY OF THE PERMISSION GRANTED TO THE PREDECESSOR IN INTEREST OF THE PETITIONER BY VILVATTOM GRAMA PANCHAYAT.
EXHIBIT P11	TRUE COPY OF THE PERMISSION GRANTED BY THE THRISSUR URBAN DEVELOPMENT AUTHORITY TO THE PREDECESSOR IN INTEREST OF THE PETITIONER.

**RESPONDENT'S EXHIBITS**      **NIL**