

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN**  
**FRIDAY, THE 5<sup>TH</sup> DAY OF JANUARY 2024 / 15TH POUSHA, 1945**  
**WP(C) NO.43393 OF 2023**

**PETITIONER:**

**TESSY JOSE, AGED 62 YEARS**  
**W/O.JOSE P.O., PARAPILLY HOUSE,**  
**THYNOTHIL ROAD, ALUVA, ERNAKULAM, PIN - 683101**

**BY ADVS.**  
**ANEESH JAMES**  
**NEHA VIJAY**  
**JIJO THOMAS**  
**M.D.BEENA**

**RESPONDENTS:**

- 1 STATE OF KERALA**  
**REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,**  
**REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,**  
**THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE REVENUE DIVISIONAL OFFICER (RDO)**  
**FORT KOCHI, REVENUE DIVISIONAL OFFICE, FORT KOCHI,**  
**COCHIN, PIN - 682001**
- 3 THE VILLAGE OFFICER, CHENGAMANADU,**  
**CHENGAMANADU VILLAGE OFFICE, KUNNUPURAM, DESOM,**  
**ERNAKULAM, PIN - 683102**
- 4 THE AGRICULTURAL OFFICER**  
**KRISHI BHAVAN, CHENGAMANAD, ALUVA,**  
**ERNAKULAM, PIN - 683578**

**5      CHENGAMANAD GRAMA PANCHAYAT  
PANCHAYAT OFFICE, PARAMBAYAM ROAD, PARAMBAYAM,  
ALUVA, KAPRASSERY, ERNAKULAM - 683 102  
REPRESENTED BY ITS SECRETARY, PIN - 683102**

**BY SRI.ANIL K.MUHAMED, SC  
SMT.K.AMMINIKUTTY, SR.GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 05.01.2024, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:**

### **JUDGMENT**

The petitioner is the owner in possession of a total extent of 78.70 Ares of land, comprised of 7.70 Ares in Re.Sy.No.350/3, 46.54 Ares in Re.Sy.No.650/4, 16.86 Ares in Re.Sy.No.350/4-2 and 7.60 Ares in Re.Sy.No.350/5 in Block No.7 of Chengamanadu Village, Aluva Taluk, Ernakulam District.

2. The petitioner has approached this Court seeking a direction to the 2<sup>nd</sup> respondent, the Revenue Divisional Officer, to consider and dispose of Ext.P8 application in Form 5 filed under Rule 4(d) of the Kerala Conservation of Paddy land and Wetland Rules, 2008 (hereinafter referred to as 'the Rules').

3. Ext.P8 being a statutory application under the Rules, the competent authorities have a bounden duty to consider the same in accordance with law within a reasonable time.

4. Having heard the learned counsel for the petitioner, the learned Standing Counsel and the learned Government Pleader, this writ petition is disposed of directing the 4<sup>th</sup> respondent, the Agricultural Officer, to submit a report as contemplated under Rule 4(e) of the Rules to the RDO within two months from the date of receipt of a copy of this judgment. The RDO shall dispose of Ext.P8 application, as expeditiously as possible, at any rate, within a period of four months from the date of receipt of the report from the Agricultural Officer. The timelines as above shall be strictly complied with by the respective

officers. In case the report has already been submitted by the Agricultural Officer, the RDO shall dispose of Ext.P8 within the time limit specified earlier. Till orders are passed as above, the order of *status quo* granted by this Court on 21.12.2023 shall continue. The petitioner shall produce a copy of this judgment before the Agricultural Officer concerned for due compliance.

Sd/ -

**MURALI PURUSHOTHAMAN  
JUDGE**

sp/05/01/2024

**APPENDIX****PETITIONER'S EXHIBITS: -**

<b>EXHIBIT P1</b>	<b>A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED 27.11.2023 IN RESPECT OF THE PROPERTY OF THE PETITIONER</b>
<b>EXHIBIT P2(A)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-A</b>
<b>EXHIBIT P2 (B)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-B</b>
<b>EXHIBIT P2(C)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-C</b>
<b>EXHIBIT P2(D)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-D</b>
<b>EXHIBIT P2(E)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-E</b>
<b>EXHIBIT P2(F)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-F</b>
<b>EXHIBIT P2(G)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-G</b>
<b>EXHIBIT P2(H)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-H</b>

<b>EXHIBIT P2(I)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-I</b>
<b>EXHIBIT P2(J)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-J</b>
<b>EXHIBIT P2(K)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-K</b>
<b>EXHIBIT P2(L)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-L</b>
<b>EXHIBIT P2(M)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 23.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-M</b>
<b>EXHIBIT P2(N)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 25.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-N</b>
<b>EXHIBIT P2(O)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 25.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-O</b>
<b>EXHIBIT P2(P)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 25.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-P</b>
<b>EXHIBIT P(Q)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 25.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-Q</b>
<b>EXHIBIT P2(R)</b>	<b>A TRUE COPY OF THE PROPERTY TAX PAID RECEIPT DATED 25.09.2023 IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-R</b>

- EXHIBIT P3(A)** A TRUE COPY OF THE LICENSE DATED 22.05.2023 ISSUED TO CHETTINAD CEMENT CORPORATION BY THE CHENGAMANAD GRAMA PANCHAYAT IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-M,N,O & P
- EXHIBIT P3(B)** A TRUE COPY OF THE LICENSE DATED 22.05.2023 ISSUED TO CEMENT HOUSE BY THE CHENGAMANAD GRAMA PANCHAYAT IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-E
- EXHIBIT P3(C)** A TRUE COPY OF THE LICENSE DATED 22.05.2023 ISSUED TO JANATHA TRADING CORPORATION BY THE CHENGAMANAD GRAMA PANCHAYAT IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-D
- EXHIBIT P3(D)** A TRUE COPY OF THE LICENSE DATED 22.05.2023 ISSUED TO JAYBEE REALTORS BY THE CHENGAMANAD GRAMA PANCHAYAT IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-C
- EXHIBIT P3(E)** A TRUE COPY OF THE LICENSE DATED 22.05.2023 ISSUED TO GARUDA TRANSPORTS BY THE CHENGAMANAD GRAMA PANCHAYAT IN RESPECT OF BUILDING BEARING DOOR NO. XVI/1-B
- EXHIBIT P4** A TRUE COPY OF THE JUDGMENT DATED 07.09.2011 OF THIS HON'BLE COURT IN W.P.(C) NO. 32244 OF 2010
- EXHIBIT P5(A)** A TRUE COPY OF THE BUILDING PERMITS BEARING NO. 38/2015-16 DATED 02.07.2015 ISSUED BY THE CHENGAMANAD GRAMA PANCHAYAT TO AMBEESH ANTONY AND JINIL DAVIS



- EXHIBIT P5(B)**      **A TRUE COPY OF THE BUILDING PERMITS BEARING NO. 19/15-16 DATED 21.05.2015 ISSUED BY THE CHENGAMANAD GRAMA PANCHAYAT TO AMBEESH ANTONY AND JINIL DAVIS**
- EXHIBIT P6**      **A TRUE COPY OF THE MEASUREMENT SKETCH PREPARED BY THE TALUK SURVEYOR, ALUVA AFTER MEASUREMENT AND DEMARCATION OF BOUNDARIES**
- EXHIBIT P7**      **A TRUE COPY OF THE STOP MEMO NO. 11/2023/KCPLWL DATED 11.12.2023 ISSUED BY THE 3RD RESPONDENT**
- EXHIBIT P8**      **A TRUE COPY OF THE APPLICATION IN FORM 5 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 14/12/2023**
- EXHIBIT P8(A)**      **A TRUE COPY OF THE RECEIPT DATED 14.12.2023 ISSUED BY THE LAND REVENUE DEPARTMENT, GOVERNMENT OF KERALA EVIDENCING THE SUBMISSION OF EXHIBIT P8 APPLICATION**