

(2012) 08 KL CK 0132

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 18462 of 2012 (S)

T.N. Mukundan Thadathil House, Velloopadam P.O., Thrissur
Pin-680303

APPELLANT

Vs

District Collector Collectorate, Thrissur, Pin-680003 and
Others

RESPONDENT

Date of Decision : 07-08-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 08 KL CK 0132

Hon'ble Judges : Manjula Chellur, J;A.M. Shaffique, J

Bench : Division Bench

Advocate : V.M. Krishnakumar and Smt. P.R. Reena, for the Appellant; Girija Gopal, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

A.M. Shaffique, J.—Petitioner claims to be a social activist and former president of Kodakara Block Panchayath. His complaint is that the 5th respondent is converting the paddy field violating the provisions of the Kerala Conservation of Paddy and Wetland Act, 2008. According to him, he had given necessary representation to the proper authorities. But, no action is taken by the authorities to stop the activities of the 5th respondent. Hence, the relief sought in the Writ Petition is to consider and dispose of Ext.P11 representation. submitted by the petitioner before the District collector and for a direction to respondents 1 to 4 to take action to restore the paddy land which is filled up by the 5th respondent. On a perusal of the averments in the Writ Petition and the arguments of the learned counsel appearing for the petitioner, it seems that this is a case where the petitioner has some personal grievance as against the 5th respondent. It is his case that if the 5th respondent proceeds with the construction in his property, the adjacent paddy fields will be affected by the above construction. These are all questions of fact which requires evidence and civil rights are involved. Such ascertainment of facts cannot be adjudicated by

this Court under Article 226 of the Constitution of India. We do not think that any public interest is involved in the matter. If any of the neighbouring paddy field owners are affected by any such reclamation by the 5th respondent, it is open for them to approach the civil court for necessary orders. It is also open for the petitioner to approach the civil court for appropriate directions.

2. In that view of the matter, we do not intend to interfere in this matter under Article 226 of the Constitution of India and the Writ Petition is hereby dismissed.

It is made clear that this order will not preclude the petitioner from approaching proper forum/authorities in accordance with law.