

(2023) 10 KL CK 0111

In the High Court Of Kerala

Case No : Writ Petition (C) No. 34426 Of 2023

Vivek Prasannan

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 19-10-2023

Acts Referred:

Kerala Conservation of Paddy Land and Wetland Rules, 2008 — Rule 4(d), 4(e)

Citation : (2023) 10 KL CK 0111

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : M.B.Shyni, Ramees P.K., Rajesh Kumar R., V.R.Anilkumar, Sarafudheen T., K.Amminikutty

Final Decision : Disposed Of

Judgement

Bechu Kurian Thomas, J

1. Petitioner is the owner of 10.11 Ares of property in Re-survey No.555/8 of Kakkanad Village, Kanayannur Taluk, 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.P5.

2. According to him, though the application was filed on 01.06.2023, neither has the report been submitted by the Agricultural Officer nor has any decision been taken by the second respondent.

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. Therefore, there will be a direction to the Competent Agricultural Officer, Kakkanad Village, to submit a report as per the Rules.

4. Having heard Sri.M.B.Shyni, learned counsel for the petitioner and

Smt.K.Ammunikutty, learned Senior Government Pleader, I am of the view that this writ petition can be disposed of with a direction to take a decision on Ext.P5 application in a time bound manner.

5. Accordingly, there will be a direction to the Competent Agricultural Officer, Kakkanad Village; 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 second respondent shall take a decision on Ext.P5 application within three months thereafter. The timeline specified above shall strictly be complied with by the respective officers. Petitioner shall produce a copy of this judgment before the Agricultural Officer concerned, for due compliance.

The writ petition is disposed of accordingly.