

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

WEDNESDAY, THE 13TH DAY OF MAY, 2020/23RD VAISAKHA, 1942

W.P(C) NO.9912 OF 2020

PETITIONERS:

1. OUSEPH JOSEPH, AGED 92 YEARS, S/O JOSEPH,
VADASSERIL HOUSE, NEYYASSERY P.O.,
KARIMANOOR, THODUPUZHA - 685 586.

2. BENCY JOMON, AGED 46 YEARS, W/O. JOMON,
JOSEPH,VADASSERIL HOUSE, NEYYASSERY P.O.,
KARIMANOOR, THODUPUZHA - 685 586.

BY ADVS. SRI. GEORGE MATHEW,
SRI.S. PRAVEEN,
SRI.M.D. SASIKUMAR,
SRI.A. G SUNIL KUMAR,
SRI.DIPU JAMES,
SRI.K.T. MATHEW AND
SRI.K.V. GEORGE

RESPONDENTS

1. STATE OF KERALA
REP. BY ITS SECRETARY REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

2. THE DISTRICT COLLECTOR, CIVIL STATION,
KUYILIMALA, IDUKKI DISTRICT - 685 603.

3. THE REVENUE DIVISIONAL OFFICER, REVENUE
DIVISIONAL OFFICE, CIVIL STATION, KUYILIMALA,
IDUKKI DISTRICT - 685 603.

4. THE THASILDHAR, TALUK OFFICE, MINI
CIVIL STATION, THODUPUZHA - 685 584.

5. THE VILLAGE OFFICER, VILLAGE OFFICE, NEYYASSERY,
KARIMANOOR, THODUPUZHA TALUK, IDUKKI - 685 586.

6. THE AGRICULTURAL OFFICER, AGRICULTURE OFFICE,
KARIMANOOR GRAMA PANCHAYATH, KARIMANOOR P.O.,
THODUPUZHA TALUK, IDUKKI DISTRICT - 685 586.

R1-6 BY SRI.K.P.HARISH GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 13.05.2020,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

GOPINATH.P, J

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WP(C) NO. 9912 OF 2020

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DATED THIS THE 13th DAY OF May, 2020

O R D E R

Admit.

Government Pleader takes notice for respondents. This writ petition is filed, challenging the stop memo dated 04.05.2020 (Ext.P1). It is the case of the petitioners that they are not converting any paddyland and that they are digging a channel to drain water from their property. The learned Government pleader on instructions, submits that stop memo was issued because, the activity of the petitioner is causing damage to paddy cultivation in nearby lands by blocking the flow of water. It is hereby directed that the petitioner will be allowed to complete the channel for draining water from his property. However that he shall not do it in a manner which would affect any nearby paddy cultivation. In the meanwhile, the petitioner shall also prefer a detailed reply before the agricultural officer in response to Ext.P1.

Post after two weeks.

GOPINATH.P

JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF STOP MEMO/NOTICE NO. KMNR-31/20-21
DTD. 04.05.2020

EXHIBIT P2: TRUE COPY OF JUDGMENT DTD. 24.03.2011 IN W.A. NO.393
OF 2011.