

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WA.No. 35 of 2015 () IN WP(C).19408/2014

AGAINST THE JUDGMENT IN WP(C) 19408/2014 of HIGH COURT OF
KERALA DATED 02-12-2014

APPELLANT(S)/PETITIONER:

KRISHNAN NAMPOOTHIRY M.K
S/O. S. KESAVAN NAMPOOTHIRY,
EDAPPANATH VRINDAVANAM
KUTTAPEROR, CHENGANNUR TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

2. THE LAND REVENUE COMMISSIONER
OFFICE OF THE LAND REVENUE COMMISSIONER
PUBLIC OFFICE BUILDINGS, MUSEUM
THIRUVANANTHAPURAM - 695 001.

3. THE DISTRICT COLLECTOR
(CHAIRMAN, LOCAL LEVEL MONITORING COMMITTEE)
CIVIL STATION, ALAPPUZHA.

4. THE REVENUE DIVISIONAL OFFICER
CHENGANNUR.

5. THE TALUK TAHSILDAR
(AUTHORITY UNDR THE LAND TAX ACT)
CHENGANNUR.

6. THE VILLAGE OFFICER
ENNAKKAD VILLAGE.

7. THE AGRICULTURAL OFFICER
KRISHU BHAVAN, BUDHANUR, (CONVENOR
LOCAL LEVEL MONITORING COMMITTEE
BUDHANUR GRAMA PANCHAYATH, KRISHI BHAVAN,BUDHANUR)

BY GOVERNMENT PLEADER SRI.P.I. DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

.....
W.A. No. 35 OF 2015
.....

Dated this the 14th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

This Writ Appeal has been filed against the judgment dated 2-12-2014 delivered in W.P. (C) No. 19408/2014. The petitioner/appellant has filed the Writ Petition seeking mandamus directing the 5th respondent to correct the Basic Tax Register relating to the property of the petitioner showing the nature of the property as dry land or parambu. Further, a direction was also sought directing the respondents 1 to 3 to remove the property of the petitioner from the data bank since it is no more a nilam.

2. The petitioner had filed an application before the Local Level Monitoring Committee (Ext.P12) with the prayer that the land be removed from the draft data bank. The petitioner's

application being in a nature of objection to the draft data Bank, it is for the authorities to consider and take appropriate action. The learned Single Judge disposed of the Writ Petition directing the Local Level Monitoring Committee to conduct site inspection to find out the actual state of affairs as on the date when the Act 28 of 2008 came into force and thereafter, pass appropriate orders. We do not find any error in the order passed by the learned Single Judge.

3. The learned counsel for the appellant has placed reliance on a judgment of the learned Single Judge reported in **Adani Infrastructure & Developers Pvt.Ltd. Mumbai and Others v. State of Kerala and Others - 2014 (1) KHC 685** . Submission of the learned counsel for the petitioner is that this Court in Writ Petition proceedings ought to have directed for correction of draft data bank. A perusal of the judgment indicates that earlier this Court in three separate Writ Petitions had directed the Revenue Divisional Officer to consider the application. Further, in

paragraph 37, the learned Single Judge himself has observed that the Local Level Monitoring Committee shall look at the binding precedents and keeping in mind the spirit of the enactment, consider the applications and pass speaking orders. Even the judgment relied by the learned counsel for the appellant, this Court in exercise of its writ jurisdiction has directed the Local Level Monitoring Committee to consider and take a decision.

We do not find any error committed by the learned Single Judge in issuing similar direction in the Writ Petition giving rise to this Writ Appeal. Hence, there is no merit in this Writ Appeal, which is accordingly dismissed.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

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P.S. to Judge