

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

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WA.No. 59 of 2014 IN WP(C).29801/2012

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AGAINST THE JUDGMENT IN WP(C) 29801/2012 DATED 05-10-2013

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APPELLANTS/RESPONDENTS 2 TO 6 IN WPC :  
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1. THE LOCAL LEVEL MONITORING COMMITTEE UNDER  
KERALA CONSERVATION OF PADDY LAND AND WET LAND ACT, 2008  
REPRESENTED BY ITS CONVENER CUM AGRICULTURAL OFFICER  
MARANCHERY (P.O) PIN - 679581 MALAPPURM DISTRICT.
2. THE VILLAGE OFFICER, MARANCHERY MARANCHERY (P.O)  
PIN - 679 581, MALAPPURAM DISTRICT.
3. THE AGRICULTURAL OFFICER,  
MARANCHERY (P.O) PIN 679 581 MALAPPURAM DISTRICT.
4. THE REVENUE DIVISIONAL OFFICER, TIRUR, TIRUR (P.O)  
PIN - 676 101, TIRUR TALUK, MALAPPURAM DISTRICT
5. THE DISTRICT LEVEL AUTHORISED COMMITTEE, MALAPPURAM  
  
BY SR. GOVERNMENT PLEADER, SRI.P.K. SOYUZ

RESPONDENTS/PETITIONER & 1ST RESPONDENT IN WPC :  
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1. ALI AKBAR  
S/O.KUNJIMARAKKAR, ELAYEDATH HOUSE  
MARANCHERY (P.O) PIN PONNANI TALUK  
MALAPPURAM DISTRICT.
2. THE MARANCHERY GRAMA PANCHAYATH  
REPRESENTED BY ITS SECRETARY  
MARANCHERY (P.O) PIN - 679 581, MALAPPURAM DISTRICT.

R1 BY ADV. SRI.SAJU.S.A  
R1 BY ADV. SRI.JAMSHEED HAFIZ  
R2 BY ADV. SRI.T.KRISHNAN UNNI (SR.)  
R2 BY ADV. SRI.C.V.MANUVILSAN  
R2 BY ADV. SRI.P.K.KHALEEMUDHEEN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10-02-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.**

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W.A. No. 59 OF 2014  
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Dated this the 10<sup>th</sup> day of February, 2015

**JUDGMENT**

**Shaffique, J.**

This appeal is filed by respondents 2 to 6 in W.P.(C) No. 29801 of 2012 challenging the judgment dated 05.10.2013 of the learned Single Judge. The writ petition was filed by the petitioner challenging Ext.P13 order passed by Local Level Monitoring Committee (for short 'LLMC'), formed under the provisions of Kerala Conservation of Paddy Land & Wetland Act, 2008 (hereinafter referred to as 'the Act').

2. By Ext.P13 the Local Level Monitoring Committee rejected the application filed by the petitioner for excluding the petitioner's property from the list of data bank on the finding that it is suitable for paddy cultivation.

3. The learned Single Judge after an elaborate consideration of the factual circumstances opined that Ext.P13 is liable to be set aside and the District Level Authorised Committee has to consider the entire records received from LLMC and to pass appropriate orders.

4. Learned Government Pleader submits that the District Level Authorised Committee has no jurisdiction in the matter. The position of law is well covered by the judgment in W.A. No. 1416 of 2014 dated 02.02.2015. It is clear from the statutory provisions under the Act that Local Level Monitoring Committee is the competent authority to verify whether the land is suitable for paddy cultivation or not. If it is suitable for paddy cultivation and the owner has submitted application seeking sanction for construction of residential building, then alone LLMC has to submit its recommendation to the District Level Authorised Committee. But as far data bank entries are concerned, initially a draft data bank is prepared by LLMC.

5. Taking into consideration the objection received from the owner or the holder in possession, appropriate changes can be made. The District Level Authorised Committee has no jurisdiction to consider whether the land is a paddy land or not. The District Level Authorised Committee can recommend for filling of paddy land of not more than ten cents in a Panchayat area or five cents in a

Municipality/Corporation, for construction of residential building. The District Level Authorised Committee has no jurisdiction as far as making or modifying the entry in the data bank is concerned. The jurisdiction vests only with LLMC.

The learned Single Judge has already set aside Ext.P13 order. We do not intend to interfere with the said decision. In the facts and circumstances of the case we direct the Local Level Monitoring Committee to consider the contentions urged by the petitioner and to pass appropriate orders in accordance with the procedure prescribed. To the above extent the judgment of learned Single Judge is modified and the Writ Appeal is disposed of.

**Ashok Bhushan,  
Acting Chief Justice.**

**A.M. Shaffique,  
Judge.**