

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**

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WA.No. 1745 of 2014

AGAINST THE JUDGMENT IN W.P.(C).NO.3200/2014, DATED 18-08-2014

APPELLANT(S)/RESPONDENTS 1 TO 4 IN W.P.(C) :

- 1. THE STATE OF KERALA,
REP.BY THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKANAD, ERNAKULAM DISTRICT- 682 030.**
- 3. THE TAHSILDAR,
TALUK OFFICE, KANAYANNUR, ERNAKULAM DISTRICT- 682 011.**
- 4. THE VILLAGE OFFICER,
KUMBALAM VILLAGE OFFICE,
ERNAKULAM DISTRICT- 682 506.**

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

RESPONDENT(S)/PETITIONER & 5TH RESPONDENT IN W.P.(C) :

- 1. NAISAM, AGED 42 YEARS,
S/O.THACHAPILLIYIL ALI AHAMMAD MEETHIYAN MUHAMMED,
THOMMAN CHERUKATTU HOUSE, MADAVANA DESOM,
KUMBALAM VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.**
- 2. THE KUMBALAM GRAMA PANCHAYATH,
REP.BY ITS SECRETARY, KUMBALAM, ERNAKULAM DISTRICT.**

**R2 BY ADVS. SRI.P.J.MATHEW
SRI.AJITH GEORGE
R1 BY ADV. SRI.G.SREEKUMAR (CHELUR)**

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 12-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WA.No. 1745 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE RELEVANT PAGE OF THE DRAFT DATA
BANK.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 1745 of 2014

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Dated this the 12th day of February, 2015

JUDGMENT

A.M.Shaffique, J.

Respondents 1 to 4 in WP(C) No.3200 of 2014 are the appellants. Writ petition is filed by the 1st respondent herein seeking for direction to the revenue authorities to alter the entry in the revenue records namely the basic tax register and other documents to indicate that the property of the petitioner is garden land. Petitioner also relied upon the reports of the Village Officer to indicate that the property having an extent of 12 cents is lying as dry land.

2. Learned Single Judge directed the respondents 2 to 4 to make necessary corrections regarding description of properties in the revenue records including basic tax register in the light of Exts.P5 and P6.

3. The appeal had been filed inter alia contending that even in the draft data bank preferred by the Local Level Monitoring Committee (herein after referred to as 'LLMC') under the Conservation of Paddy Land and Wet Land Act, 2008, the property is described as paddy land.

4. We have already held in judgment dated 08.08.2012 in Writ Appeal No.1093 of 2013 that if the property is already included in the draft data bank as paddy land by the LLMC, it is for the owner or holder of the property to approach the LLMC for making necessary corrections based on the documents available with him.

5. It is not possible for the revenue authorities to make such corrections once the property has been included as a paddy land in the data bank prepared by the LLMC. Once LLMC had deleted the property from the data bank, thereafter it is open for the petitioner to approach the revenue authorities.

6. Having regard to the aforesaid factual situation we are of the view that the judgment of the learned Single Judge is liable to be modified and accordingly we permit the petitioner to approach the LLMC seeking for change of entries in the data bank register. It shall be open for the petitioner to produce all the necessary materials before the LLMC.

With the above observation, the writ appeal is allowed modifying the judgment of the learned Single Judge.

Sd/-
**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

Sd/-
**A.M. SHAFFIQUE
JUDGE**

das

//TRUE COPY//

P.A. TO JUDGE