

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 1009 of 2015 (A)

PETITIONER(S):

**ABDULLA N., AGED 46 YEARS,
S/O AHAMMED HAJI, NAMBIKUNNAM HOUSE, MARIYADU P.O.,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.ABDUL JAWAD
SRI.MATHEW A KUZHALANADAN
SMT.VINEETHA V.KUMAR**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT - 676,505.**
- 2. THE LOCAL LEVEL MONITORING COMMITTEE
FOR MALAPPURAM MUNICIPALITY,
REPRESENTED BY ITS CONVENOR,
(THE AGRICULTURAL FIELD OFFICER,
KRISHI BHAVAN, CIVIL STATION, MALAPPURAM), PIN:676 505.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 1009 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REPORT OF THE AGRICULTURAL FIELD OFFICER
TO THE SECRETARY OF THE MALAPPURAM MUNICIPALITY.**

**EXHIBIT P2: TRUE COPY OF THE APPLICATION DATED 15.11.2014 SUBMITTED BY
THE PETITIONER BEFORE THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 1009 of 2015

~~~~~

Dated, this the 12th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"i. To call for the records leading Exts. P1 and P2 and to issue a writ of mandamus and order commanding the 2nd respondent to correct the wrong entry in relation to the land of the petitioner in the data bank and to note the land of the petitioner as a garden land.

ii. To issue a writ of mandamus or any other appropriate writ, order or direction to the 2nd respondent to consider and pass orders on Ext. P2 in accordance with law, after conducting a physical verification of the land of the petitioner and to make necessary corrections in the data bank.

2. The learned counsel for the petitioner submits that the land having an extent of 5.73 Ares in Survey No. 263/4 of Melmuri village in Malappuram district belonging to the petitioner is neither a paddy land or wet land, but only a garden land. It is stated that though the concerned Agricultural Field Officer, as per Ext. P1, reported that

the land in question is a garden land with trees having the age above 30 years, it has been wrongly included in the data bank register. The law has been declared by this Court in **Castlerock Project and Developers Pvt. Ltd. Vs. Revenue Divisional Officer [2013 (3) KLT 545]** that if any correction or deletion is to be made in the Data Bank Register, it has to be considered by the Local Level Monitoring Committee. The learned counsel for the petitioner submits that the petitioner has preferred Ext. P2 representation before the second respondent and that the only prayer now pressed before this Court is to cause the same to be considered in the light of Ext. P1 within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The Writ Petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext. P2 representation in the light of Ext. P1, in accordance with law, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment. After passing necessary orders by the second

W.P.(C) No. 1009 of 2015

: 3 :

respondent, it shall be forwarded to the first respondent/ District Collector to cause necessary correction, if any, in the Revenue records.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd