

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 2138 of 2015 (N)

PETITIONER(S) :

**PRIJI.S, AGED 43 YEARS,
D/O.SULOCHANA, ABHIRAMI HOUSE, PALLOM JUNCTION,
ARYANADU, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.B.PRADEEP
SRI.ASHOK SURESH**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE VILLAGE OFFICER,
ARYANADU,THIRUVANANTHAPURAM- 695 001.**
- 3. REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM/SUB COLLECTOR- 695 001.**
- 4. THE LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENOR,
THE AGRICULTURAL OFFICER, KRISHIBHAVAN, ARYANAD,
ARYANAD P.O, THIRUVANANTHAPURAM- 695 542.**

BY SPL.GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE NOTICE DATED 16-01-2013.
- EXHIBIT P2: TRUE COPY OF THE REPORT DATED 17-01-2013 SUBMITTED TO THE THAHASILDAR.
- EXHIBIT P3: TRUE COPY OF THE REPORT DATED 17-01-2013 SUBMITTED BY THE AGRICULTURAL OFFICER.
- EXHIBIT P4: TRUE COPY OF THE REPORT DATED 02-02-2013.
- EXHIBIT P5: TRUE COPY OF THE REPORT DATED 12-02-2013.
- EXHIBIT P6: PHOTOGRAPHS (3 IN NO.) REFLECTING THE EXTRACT LIE OF THE PROPERTY.
- EXHIBIT P7: TRUE COPY OF THE RELEVANT EXTRACT OF THE DATA BANK PREPARED BY THE PANCHAYATH.
- EXHIBIT P8: THE TRUE COPY OF THE PETITION DATED 01-04-2013 FILED BEFORE THE 4TH RESPONDENT.
- EXHIBIT P9: TRUE COPY OF THE JUDGMENT DATED 13-08-2013 IN W.P.(C).NO.19994/2013.
- EXHIBIT P10: TRUE COPY OF THE ORDER NO.AKB(25) 1/2013-14 DATED 23-10-2013.
- EXHIBIT P11: TRUE COPY OF THE JUDGMENT DATED 23-01-2014 IN W.P.(C).NO.31664 /2014
- EXHIBIT P12: TRUE COPY OF THE LETTER DATED 03-09-2014 BY R3.
- EXHIBIT P13: TRUE COPY OF THE LETTER DATED 24-11-2014 BY R3.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 2138 of 2015

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(a) Issue a direction to the 4th respondent to convene itself forthwith to facilitate implementation of the directions contained in Ext P-11 judgment.*
- (b) Pass such other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”*

2. The learned counsel for the petitioner submits that, the grievance projected in the writ petition is with regard to the wrong inclusion of the petitioner's land in a Draft Data Bank Register. It was in the said circumstances that the entry was caused to be deleted after conducting an inspection by the 4th respondent and with this intent the petitioner approached this Court by filing WP (C) No.31664 of 2013, which was disposed of as per Ext.P11 judgment dated 23.01.2014

3. The learned counsel for the petitioner submits that, pursuant to the said judgment the Local level Monitoring Committee has conducted an inspection and found that the

property was neither a paddy land or wet land at the time of commencement of Act 28/2008 and the committee has already decided to correct the Data Bank Register by excluding the property owned by the petitioner in the Data Bank Register.

4. A statement has been filed on behalf of the 4th respondent in this regard; paragraph 3 of which reads as follows:

“3. The Local Level Monitoring Committee inspected the land owned by the petitioner. On inspection and enquiry, it is found that the property owned by the petitioner comprised in Resurvey No.363/1, 363/2 and 363/5 of Aryanadu Village is neither a 'paddy land' nor a 'wetland' at the time of commencement of Act 28 of 2008. The Local Level Monitoring Committee decided to correct the Data Bank by excluding the property owned by the petitioner from the Draft Data Bank.”

5. In the said circumstances, this Court finds that the writ petition can be disposed of, by directing the concerned respondent to take all consequential proceedings to take it to a logical conclusion and to settle the grievance of the petitioner once and for all, causing deletion of the entry from the Data Bank Register. It is made clear that the publication of the Draft Data Bank Register in the official gazette, stated as done, will not be a bar in giving effect to the same and the factual position shall be

caused to be re-notified, if necessary, by taking appropriate consequential proceedings.

The writ petition stands disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn