

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

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

WP(C).No.2409 of 2015 (A)

PETITIONER:

**FIROZBABU,S/O.K.SOOPI,AGED 38 YEARS,
REPRESENTED BY DULY CONSTITUTED POWER OF ATTORNEY
KUNHAVRANKUTTY KODANIYIL,S/O.K.GOPI,AGED 47 YEARS,
PETITIONER AND HIS POWER OF ATTORNEY ARE RESIDING AT
KODANIYIL HOUSE,THALAKADATHUR P.O.,
CHERIYAMUNDAM AMSOM AND DESOM,
TIRUR TALUK,MALAPPURAM DISRICT.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

- 1. THE LOCAL LEVEL MONITORING COMMITTEE FOR CHERIYAMUNDAM
VILLAGE,TIRUR TALUK CONSTITUTED UNDER THE
CONSERVATION OF PADDY AND WETLAND ACT,
REPRESENTED BY ITS CONVENOR,
THE AGRICULTURAL OFFICER,CHERIYAMUNDAM,
TIRUR TALUK,MALAPPURAM DISTRICT,PIN - 676 111.**
- 2. THE VILLAGE OFFICER,CHERIYAMUNDAM,
TIRUR TALUK,MALAPPURAM DISTRICT,PIN - 676 111.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.2409 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT-P1:A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED JULY 4, 2012
ISSUED BY THE SECOND RESPONDENT.**

EXHIBIT-P2:A TRUE COPY OF THE LOCATION SKETCH RELATING TO THE PLOT.

**EXHIBIT- P3:A TRUE COPY OF THE REPRESENTATION DATED JANUARY 17, 2015
SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXHIBIT-P4:A TRUE COPY OF THE REPRESENTATION DATED JANUARY 17, 2015
SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2409 of 2015

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Dated, this the 10th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ in the nature of mandamus commanding the first respondent to inspect the petitioner's property in pursuance of Ext. P3 and remove the entry regarding the petitioner's property from the draft data bank.

(ii) Issue a writ in the nature of mandamus commanding respondent to consider and pass orders on Exhibit P3 representation forthwith after hearing the authorised representative of the petitioner; and

(iii) Issue such other writ, order or direction which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case and in the interest of justice.

2. The petitioner stated as owner of the land having an extent of 30 cents of land comprised in Survey No. 127/1 of Cheriyaundam village in Tirur taluk. According to the petitioner, the said land is neither a 'paddy land', nor a 'wet land' as defined under Section 2

(xii) or 2 (xviii) of Act 28 of 2008, though it has been described as 'wet land ' in the revenue records. It is stated that the property of the petitioner has also been included in data bank register. The grievance of the petitioner is that, due to wrong classification of the property of the petitioner as above, the petitioner is not in a position to construct a residential building therein. The learned counsel for the petitioner submits that though the petitioner has submitted Ext. P3 representation before the 1st respondent for correction in the data bank register, the same is still to be considered.

4. Heard the learned Government Pleader as well.

5. After hearing both the sides, this Court finds that if any correction or deletion is to be made, it has to be considered by the Local Level Monitoring Committee, which is the law declared by this Court in **Castlerock Project and Developers Pvt. Ltd. Vs. Revenue Divisional Officer [2013 (3) KLT 545]**. In the said circumstances, there will be a direction to the first respondent to consider and pass appropriate orders on Ext. P3 in accordance with law, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

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: 3 :

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd