

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 3800 of 2015 (Y)

PETITIONER(S) :

**1. SAJI VARGHESE
ILLATHUMALAYIL KUNNATHU,
PERISSERRY, CHENGANNUR.**

**2. RAJAN VARGHESE,
VADAKKEMANTHAYIL
PERISSERRY, CHENGANNUR**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEESH KUMAR**

RESPONDENT(S) :

**1. THE R.D.O. (REVENUE DIVISIONAL OFFICER)
ADOOR - 691 523.**

**2. THE AGRICULTURAL OFFICER/
CONVENER OF THE LOCAL LEVEL MONITORING COMMITTEE,
KRISHI BHAVAN, ARANMULA - 689 533.**

**3. THE VILLAGE OFFICER
KIDANGANNOOR - 689 514**

**4. THAHZILDAR,
TALUK OFFICE
KOZHANCHERRY- 689 641.**

R1 TO R4 BY SR. GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 3800 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1- TRUE COPY OF THE SALE DEED DOCUMENT NO. 208/2013 OF SUB REGISTRAR OFFICE, ARANMULA.
- EXT. P2- TRUE COPY OF THE PRIOR DEED DOCUMENT NO. 283/1999 DATED 24.2.1996.
- EXT. P3- TRUE COPY OF THE JUDGMENT DATED 26.3.2014 IN WP(C) NO.8662/2014.
- EXT. P4- TRUE COPY OF THE MINUTES CONTAINING THE DECISION OF THE LOCAL LEVEL MONITORING COMMITTEE DATED 11.2.2013.
- EXT. P5- REPORT OF THE 2ND RESPONDENT AFTER CONDUCTING THE SITE INSPECTION DATED 1.2.2014.
- EXT. P6- TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT SUBMITTED TO THE 1ST RESPONDENT.
- EXT. P7- TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 7.8.14

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 3800 of 2015

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Dated, this the 4th day of March, 2015

JUDGMENT

The petitioner is the owner of the property having an extent of 14.20 Ares of land comprised in Resurvey No. 138/5 of Kidangoor village. According to the petitioner the said land is never a 'paddy land' as defined under Section 2 (xii) or 'wet land' as defined under Section 2 (xviii) of the Kerala Conservation of Paddy land and Wetland Act 2008 (Act 28 of 2008), but is a 'reclaimed land', though the same was wrongly included in the data bank register, which made the petitioner to approach this Court by filing W.P.(C) No. 8662 of 2014. The said writ petition was disposed of, as per Ext. P3 judgment dated 26.03.2014 directing the Local Level Monitoring Committee/3rd respondent therein, to conduct a spot inspection and do the needful. Pursuant to the above verdict, a spot inspection was conducted and Ext. P4 minutes came to be issued. Even though a positive finding as to the factual position was arrived at by the committee in Ext. P4, the matter was caused to be considered by the Revenue Divisional Officer for effecting change in classification with regard to the land in

question. It was accordingly that Ext. P7 order came to be issued by the first respondent, rejecting the claim of the petitioner. This made the petitioner to approach this Court by filing the present writ petition.

2. Heard the learned Government Pleader as well.

3. The learned counsel for the petitioner submits that the only relief now pressed before this Court is to cause the property of the petitioner to be deleted from the Data Bank Register, in view of the finding arrived at by the Local Level Monitoring Committee in Ext. P4.

4. The law has been declared as per the decision rendered in **JafarKhan Vs. K.A. Kochumarakkar & Ors. [2012 (1) KHC 523]** that the provisions of the Conservation of Kerala paddy land and Wet land Act are applicable only in respect of the land which are lying as 'paddy land' or 'wet land' as on the date of commencement of the 'Act'. 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]**.

5. After hearing both the sides, the writ petition is disposed of, directing the first respondent to cause the matter to be reconsidered by the 2nd respondent/Local Level Monitoring Committee and if a positive finding is arrived at, necessary steps shall be taken to delete the property concerned from the data bank register. The proceedings as above shall be finalized, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. All other issues are left open.

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