

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4428 of 2015 (C)

PETITIONER :

**MOHANAN NAIR, AGED 44 YEARS,
S/O.KESAVAN NAIR, ASHA BHAVANAM, KIZHAKKEKARA,
VELIYAM P. O., VELIYAM VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DIST**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR, KOLLAM,
COLLECTORATE, KOLLAM-691001**
- 2. THE REVENUE DIVISIONAL OFFICER,
KOLLAM, COLLECTORATE, KOLLAM-691001**
- 3. THE TAHSILDAR
TALUK OFFICE, KOTTARAKKARA, KOTTARAKKARA P. O.,
KOLLAM DIST-691521**
- 4. THE VILLAGE OFFICER
VELIYAM VILLAGE OFFICE, ODANAVATTOM P O,
KOTTARAKKARA, KOLLAM DIST-691521**
- 5. THE AGRICULTURAL OFFICER
KRISHI BHAVAN, VELIYAM, ODANAVATTOM P. O.,
KOTTARAKKARA, KOLLAM DIST-691521**

R1 TO R5 BY SPL. GOVERNMENT PLEADER SRI. P.K. SOUZE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED FROM THE TALUK HEAD QUARTERS HOSPITAL, KOTTARAKKARA.
- P2: A TRUE COPY OF SALE DEED NO 935/2012 OF THE SUB REGISTRY OFFICE, KOTTARAKKARA.
- P3: A TRUE COPY OF PHOTOGRAPH OF THE PETITIONER'S PROPERTY.
- P4: A TRUE COPY OF THE NOTICE DTD 25/8/2012 ISSUED BY THE 5TH RESPONDENT.
- P5: A TRUE COPY OF THE REQUEST DTD 29/8/2012 BEFORE THE 5TH RESPONDENT.
- P6: A TRUE COPY OF THE NOTICE DTD 27/10/2012 ISSUED BY THE 2ND RESPONDENT.
- P7: A TRUE COPY OF THE REQUEST DTD 5/12/2012 BEFORE THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS

:

NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4428 of 2015

Dated this the 11th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. issue a writ of certiorari, to quash all further proceedings pursuant on Ext-P6 issued by the 2nd respondent;*
- ii. to issue a declaration that the petitioner is entitled to get rectified the mistake as to the nature of his 01.62 Ares comprised in Resurvey Nos.424/7, in block No.9 of Veliyam Village in the Data-Bank as 'reclaimed land' instead of 'paddy land' and the 5th respondent is bound to make necessary correction in the Data-Bank;*
- iii. Issue a writ of mandamus or any other appropriate order, directing the 5th respondent to consider Ext-P5 request and rectify the mistake as to the nature of 01.62 Ares comprised in Resurvey Nos.424/7, in block No.9 of Veliyam Village in the Data-Bank as 'reclaimed land' instead of 'paddy land';*
- iv. Issue a writ of mandamus or any other appropriate order, directing the 2nd respondent to consider Ext-P7 representation and cancel all further proceedings pursuant on Ext-P6 against the petitioner's 01.62 Ares comprised in Resurvey Nos.424/7, in block No.9 of Veliyam Village and*
- v. to pass such other appropriate writ, order or direction to the respondents, which this Hon'bl Court may deem*

fit and proper on the facts of the case, including the costs of the petitioner in this proceeding.”

2. The learned counsel for the petitioner submits that, the property is actually not a paddy land having effected the reclamation years back, prior to the commencement of Act 28/2008. It is in the said circumstances, that the petitioner has moved the 5th respondent by filing Ext.P5 and the prayer is to cause the same to be considered by the Local Level Monitoring Committee for appropriate relief.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed of, directing the 5th respondent to consider and pass appropriate orders on Ext.P5, after conducting a spot inspection with notice to the petitioner and also in the light of a law declared by the Division Bench of this Court in **Adani Infrastructure & Developers Pvt. Ltd. V. State of Kerla (2015 (1) KLT 651)**. It shall be done, as expeditiously as possible, at any rate, within 'two months' from the date of receipt of a copy of this judgment. Till the proceeding are finalized as above, 'status quo' shall be maintained with regard to the contents of Ext.P6.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 5th respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn