

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937**

**WP(C).No. 5533 of 2015 (N)**  
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**PETITIONER:**  
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**MOIDEENKUTTY HAJI, AGED 90 YEARS,  
S/O.IMBICHIKOYA, POTTAMMAL, PALATHU,  
KOZHIKODE DISTRICT.**

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

**RESPONDENT(S):**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,  
KOZHIKODE- 673020.**
- 3. THE LOCAL LEVEL MONITORING COMMITTEE  
FOR CHELANNUR GRAMA PANCHAYATH,  
REPRESENTED BY ITS CONVENOR  
(AGRICULTURAL OFFICER KRISHI BHAVAN,  
CHELANNUR), KOZHIKODE DISTRICT - 673 020.**

**BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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- EXT P1-        TRUE COPIES OF THE PHOTOGRAPHS, SHOWING THE LIE AND  
                 NATURE OF THE LAND.
- EXT P2-        TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK.
- EXT P3-        TRUE COPY OF THE NOTIFICATION ISSUED BY THE GOVERNMENT.

**RESPONDENT(S)' EXHIBITS & ANNEXURES:**  
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- ANNEXURE C1 :        THE ORIGINAL OF THE COMMISSION WARRANT.
- ANNEXURE C2 :        A COPY OF THE NOTICE ISSUED BY THE COMMISSIONER.

/TRUE COPY/

P.S. TO JUDGE

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**K. VINOD CHANDRAN, J.**

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**W.P(C). No.5533 of 2015-N**  
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**Dated this the 13<sup>th</sup> day of July, 2015.**

**JUDGMENT**

The petitioner is aggrieved with the fact that, no construction activities are permitted in the petitioner's property for the same having been included in the Data Bank for the area prepared under the Kerala Conservation of Paddy Lands and Wet Lands Act, 2008 (for brevity, the Act of 2008).

2. The petitioner's property has an extent of 23 cents and is situated in Re-survey No.80/2E, 80/3A and 56/2A of Chelannur Village in Kozhikode District. The Data Bank shows the said land as 'paddy land' and 'wet land'. While the adjacent lands are converted and constructions made thereon. The petitioner's contention is that, the petitioner was not able to convert it earlier for reason of pending civil suits.

3. This Court directed an inspection by an Advocate Commissioner, who has filed a report dated 18.05.2015. The Commissioner specifically reports that the property is situated on the southern side of Narikuni-Kozhikode Road. A drainage is also seen situated on the side of the road, which is found to be not in operation for there being no water in it. The property on the western side of the petitioner's property has a residential building of age more than 25 years with building No.278. On the southern side of the petitioner's property also, the Commissioner has reported he had seen a house of more than 15 years of age. On the eastern side of the petitioner's property is situated two residential buildings having more than 15 years age. Hence, the petitioner's property is bounded on three sides by residential buildings and on the 4<sup>th</sup> side by a road. The Commissioner has also found standing Coconut trees, having more than 30 years.

In such circumstance, it is only proper that the petitioner's property removed from the Data Bank for the area

prepared under the Act of 2008. The 3<sup>rd</sup> respondent shall sent necessary recommendation within two weeks from the date of receipt of a certified copy of this judgment.

The writ petition is allowed.

Sd/-  
**K. VINOD CHANDRAN,**  
**JUDGE**

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