

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 6171 of 2015 (V)

PETITIONER:

ANCY SEBASTIAN, W/O. V.M. SEBASTIAN,
VILLAVIRUTHIYIL, VILLOONNI P.O.,
KOTTAYAM DISTRICT - 686 008.

BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH

RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM - 686 008.
2. THE CONVENER AND AGRICULTURAL OFFICER,
LOCAL LEVEL MONITORING COMMITTEE,
ARPOOKARA PANCHAYATH, PINANCHIRAKUZHY,
KARIPOOTHATTU, KOTTAYAM - 686 008.
3. THE ARPOOKARA GRAMA PANCHAYATH, REPRESENTED
BY ITS SECRETARY,
VILLOONNI P.O.,
KOTTAYAM - 686 008.
4. THE VILLAGE OFFICER,
ARPOOKARA VILLAGE,
KOTTAYAM - 686 008.

R3 BY ADV. SRI.VINOD MADHAVAN
R3 BY ADV. NISHA BOSE
R BY SMT. K.A. SANJEETHA, GOVERNMENT PLEADER
R3 BY SRI.M.V.BOSE, SC, ARPOOKARA GRAMA PANCHAYATH

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

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT.P1 A TRUE COPY OF THE TAX RECEIPT DATED 5.08.2014 WITH RESPECT TO THE PROPERTY IN RE-SURBVEY NO.399/3 AND 399/5-1-2.

EXHIBIT.P1(a) THE ENGLISH TRANSLATION OF EXHIBIT P1.

EXHIBIT.P2 TRUE COPY OF THE RELEVANT EXTRACT OF THE DATA BANK REGISTER PERTAINING TO THE PETITIONER'S PROPERTY.

EXHIBIT.P2(A)THE ENGLISH TRANSLATION OF EXHIBIT P2.

EXHIBIT P3 TRUE COPY OF THE RELEVANT EXTRACT OF THE REPRESENTATION DATED 3.2.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P3(a) THE ENGLISH TRANSLATION OF EXHIBIT P3

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 6171 of 2015 (V)

Dated this the 3rd day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, the owner in possession of 7.83 Ares of property in re-Survey No. 399/5 in Block No. 6 of Arpookkara village, found her property mentioned in Ext.P2 Data Bank Register as 'nilam'. Aggrieved thereby, she submitted Ext.P3 representation before the 2nd respondent, the Local Level Monitoring Committee, for correction of the entry. At any rate, ventilating her grievance that her application has so far not been disposed of, she has filed the present writ petition.

3. The learned counsel for the petitioner and the learned Government Pleader have both agreed that Ext.P3 application

submitted by the petitioner is required to be considered in the light of the ratio laid down by a learned Division Bench of this Court in Adani Infrastructure & Developers Pvt. Ltd., Mumbai v. State of Kerala [2015(1) KHC 469 (DB)].

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the 2nd respondent to consider the petitioner's Ext.P3 representation in accordance with law, after affording an opportunity of hearing to the petitioner and keeping in view the ratio of decision referred to above, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

