

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No.7361 of 2015 (U)

PETITIONER:

**JOSEPH M.C,S/O.M.C.CHACKO,MANISSERIL HOUSE,
P.O.EADTHUA,ALAPUZHA - 689 573.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE,SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENER,
AGRICULTURAL OFFICER,
KRISHI BAHAVAN,EDATHUA - 689 573.**

BY SPECIAL GOVT. PLEADER SRI.PK.SOUZ (REVENUE)

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.7361 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1 - TRUE COPY OF LETTER DT. 27.9.14 IF AGRICULTURAL OFFICER,
EDATHUA ALONG WITH RELEVANT PORTION OF THE DATA BANK
REGISTER.**

**EXT.P2 - TRUE COPY OF APPLICATION DT. 15.10.14 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. 7361 of 2015

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Dated, this the 9th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) To issue a writ of certiorari or any other appropriate writ or order direction quashing Ext. P1 as unjust and illegal.

(ii) To issue a writ of mandamus or any other appropriate writ or order or direction directing the 2nd respondent to consider and pass orders on Exhibit P2 after making the physical verification of the land within a time frame fixed by this Hon'ble Court;

(iii) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case.

2. The petitioner is stated as owner of the land having an extent of 45.21 cents of land comprised in Survey No. 399/3-1 of Eduthua village in Alappuzha district. 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 'nilam' 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 utilize the land in an effective manner. The learned counsel for the petitioner submits that, though the petitioner has submitted Ext. P2 representation before the 2nd respondent for correction in the data bank register, the same is still to be considered.

4. Heard the learned Government Pleader as well.

5. The law has been declared by this Court 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]**. It has been declared by a Division Bench this Court as per the judgment rendered in **Adani Infrastructure & Developers Pvt. Ltd Vs. State of Kerala [2015 (1) KLT 651]** that until the data bank register is finalized in accordance with the provisions of the Act, the draft data bank register has to be taken into consideration for all other purposes.

In the said circumstances, there will be a direction to the second respondent to consider and pass appropriate orders on Ext.P2 in accordance with law and in light of the decisions cited supra, after conducting a site inspection and also after hearing the petitioner, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

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

The Writ Petition is disposed of.

Sd/-

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

kmd