

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 7919 of 2015 (L)

PETITIONER(S):

1. **ABDUL BASHEER,
S/O.KUNDIL ALAVI,AGED 36 YEARS,
KUNDIL HOUSE, KAVATHIKULAM POST,
KOTTAKKAL, MALAPPURAM DISTRICT, PIN -676 503**
2. **JASMINE, W/O.ABDUL BASHEER, AGED 22 YEARS,
KUNDIL HOUSE, KAVATHIKULAM POST,
KOTTAKKAL, MALAPPURAM DISTRICT,
PIN -676 503**

**BY ADVS.SRI.K.P.SUDHEER
SRI.Y.JAFAR KHAN**

RESPONDENT :

**THE LOCAL LEVEL MONITORING COMMITTEE,
KOTTAKKAL MUNICIPALITY, REPRESENTED BY ITS CONVENOR,
THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KOTTAKKAL,
MALAPPURAM DISTRICT, PIN -676 503**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

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| EXHIBIT P1 | TRUE COPY OF SALE DEED DATED 01-03-2011 REGISTERED AS DOCUMENT NO. 797/2011 |
| EXHIBIT P2 | TRUE COPIES OF THE PHOTOGRAPHS SHOWING THE NATURE OF THE LAND |
| EXHIBIT P3 | TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS BEFORE THE RESPONDENT |
| EXHIBIT P4 | TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KOTTAKKAL |
| EXHIBIT P5 | TRUE COPY OF THE LOCATION MAP ISSUED BY THE VILLAGE OFFICER, KOTTAKKAL |
| EXHIBIT P6 | TRUE COPY OF THE REPORT SUBMITTED BY THE VILLAGE OFFICER, KOTTAKKAL |
| EXHIBIT P7 | TRUE COPY OF THE LETTER DATED 4/03/2014 ISSUED BY RDO, TIRUR TO THE RESPONDENT |
| EXHIBIT P8 | TRUE COPY OF THE DECISION OF THE RESPONDENT DATED 18/7/2013 |
| EXHIBIT P9 | TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS UNDER RULE 4(2)(B)(A) OF KEERALA CONSERVATION OF PADDY LAND AND WET LAND RULES 2008 DATED 12-12-2014 |
| EXHIBIT P10 | TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD RECEIVED BY THE PETITIONER |

/TRUE COPY/

P.A.TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.7919 of 2015

Dated this the 30th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"(a) issue a writ of mandamus or other appropriate writ, order or direction commanding the respondent to consider Ext.P9 application in the light of Ext.P6 report and the dictum laid down by this Hon'ble Court in the decisions reported in 2014(1) KLT 774, 2014 (1) KLT 194 and 2013(3) KLT 545.

(b) to call for the records leading to Ext.P8 decision and quash the same by issuing a writ of certiorari or other appropriate writ order.

(c) direct the respondent to delete the land covered by Ext.P1 document from the draft data bank prepared by the respondent under Act 28 of 2008 and to clarify it as garden land.

(d) issue such other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The case of the petitioners is that, the property covered by Ext.P1 Sale Deed, nature of which is reflected from Ext.P2 photograph, is not a 'paddy land' or 'wet land' as defined under Section 2(xii) or 2(xviii) of Act 28 of 2008. But the property came

to be wrongly included in the Data Bank Register as 'paddy land', which made the petitioners to submit Ext.P9 application before the respondent. Delay in considering the same made the petitioners to approach this Court by filing the writ petition.

3. Heard the learned Government Pleader as well.

4. In the above circumstances, there will be a direction to the respondent to consider and pass appropriate orders on Ext.P9 in view of the ruling rendered by a Division Bench of this Court in ***Adani Infrastructure & Developers Pvt. Ltd. v. State of Kerala*** (2015 (1) KLT 651), after affording an opportunity of hearing to the petitioners, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

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

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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