

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 8367 of 2015 (U)

PETITIONER :

**PAPPACHAN P.P., AGED 56 YEARS,
S/O. PAILY, PALLATHUKUDY HOUSE, EDAVOOR P.O.,
KOOVAPPADY, ERNAKULAM DISTRICT-683 544.**

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

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, SECRETARIA,
THIRUVANANTHAPURAM-695 001.**
- 2. LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENER, AGRICULTURAL OFFICER,
KRISHI BHAVAN, KOOVAPPADY, KOOVAPPADY P.O.,
ERNAKULAM-683 544.**
- 3. AGRICULTURAL OFFICER,
KRISHI BHAVAN, KOOVAPPADY P.O., KOOVAPPADY P.O.,
ERNAKULAM-683 544.**

R2 & 3 BY SPL. GOVERNMENT PLEADER MR. P.K. SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 8367 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF LAND TAX RECEIPTS DTD.11.6.2014.

**P2 : COPY OF RELEVANT PAGES OF DATA BANK REGISTER ISSUED BY THE 3RD
RESPONDENT.**

**P3 : COPY OF APPLICATION DTD.4.12.2014 SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J.

W.P(C). No.8367 of 2015

Dated this the 12th day of June, 2015.

JUDGMENT

The petitioner is the absolute owner in possession of property having an extent of 18.66 Ares of land comprised in Block No.12 of Resurvey Nos.112/16, 112/5, 114/13-3, 113/1, 113/2, 114/12 of Koovappady Village in Ernakulam District. The property is alleged to be wrongly included as 'nilam' in the Draft Data Bank. Though the petitioner approached the 2nd respondent Local Level Monitoring Committee by filing Ext.P3 application for correction, it has not yet been considered and hence the writ petition.

2. The petitioner relies on a judgment of this Court in WP(C) No.3280 of 2015 dated 30.03.2015, in which a report was called for from the Tahsildar, based on which the removal from the Data Bank of the property, which was the subject matter of the said

writ petition , was directed to be carried out.

3. In the above writ petition also, on the directions of this Court, a report has been filed as under:

"1. This Honourable Court vide order dated 17.03.2015 directed the 2nd Respondent Local Level Monitoring Committee to conduct a spot inspection with notice to the Petitioner and filed a report before this Honourable Court as to the physical nature of the property owned by the Petitioner. Petitioner is the owner and in possession of 0.3146 hectares of land comprised in Sy. Nos.112/16, 112/5, 114/13-3, 113/1, 113/2, 113/3 and 114/12 in Koovappady Village. As directed by this Honourable Court, the 3rd Respondent who is the convenor of the 2nd Respondent Local Level Monitoring Committee inspected the property on 25.03.2015. On inspection is found that the property is a converted land, converted before the commencement of Act 28 of 2008. there is compound wall on the sides of the property to an extent of 19.60 Ares. There is a building bearing door No.1/396 along with electric connection in the property. It is also found that 25 coconut trees, plantains, nut meg trees and other trees are seen in the property. On inspection it is understood that, the above said land was converted much before commencement of Act 28 of 2008 and the entry in the Data Bank is a mistake."

4. After going through the pleadings and proceedings, it is seen that the property of the petitioner was wrongly included in the Data Bank Register as a 'paddy land' and that the same is now situated as a 'converted land' with quite a lot of improvements, including age old Coconut palms and such other

trees. The factual position is conceded by the 5th respondent in the report as aforesaid.

5. In the said circumstances, there will be a direction to the 5th respondent to take necessary steps to delete the properties comprised in Survey No.s.112/16, 112/5, 114/13-3, 113/1, 113/2, 114/12 of Koovappady Village in Ernakulam District belonging to the petitioner from the Data Bank Register and appropriate steps shall be taken by the competent authority for causing the notification of the same, if necessary, by way of appropriate proceedings. The proceedings as above shall be finalised at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment. The petitioner shall produce a certified copy of this judgment, before the 2nd respondent, for further steps.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp