

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 8405 of 2015 (A)

PETITIONER:

**SUHARA SALIM, AGED 47 YEARS,
W/O. SALIM, KAVUNGAL HOUSE, J L MANSIL,
VYTTILA P.O., ERNAKULAM - 682 019.**

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

RESPONDENT(S):

- 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 BHAVAN,
VELLOOR, MEVELLOOR P.O., KOTTAYAM - 686 609.**
- 3. AGRICULTURAL OFFICER,
KRISHI BHAVAN, VELLOOR, MEVELLOOR P.O.,
KOTTAYAM - 686 609.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 8405 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 - TRUE COPY OF LAND TAX RECEIPTS DATED 11.6.14.

EXHIBIT P2 - TRUE COPY OF LETTER DATED 08.1.15 ALONG WITH RELEVANT
PAGES OF DATA BANK REGISTER ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P3 - TRUE COPY OF APPLICATION DATED 04.12.14 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P4 - TRUE COPY OF PHOTOGRAPH SHOWING THE COCONUT TREE
PLANTATIONS IN THE PROPERTY.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. Vinod Chandran, J

W.P.(C).No.8405 of 2015-A

Dated this the 16th day of July, 2015

JUDGMENT

The petitioner has filed the above writ petition on the ground that the property she owns, having an extent of 22.86 Ares comprised in Re-survey No.789/12 of Velloor Village in Kottayam District, is a “garden land” and the same has been wrongly included in the Data Bank prepared under the Kerala Conservation of Paddy Land and Wetland Act, 2008 [for brevity “Paddy Land Act”].

2. This Court, by an interim order dated 27.03.2015, directed the Local Level Monitoring Committee [for brevity “LLMC”] and the Agricultural Officer to conduct a spot inspection and report on the nature of the land. The Agricultural Officer, who is the Convenor of the LLMC, has filed a report dated 11.06.2015. It was found that the land in question is a part of Thottara - Puncha Padashekaram near the Srankuzhy - Aryankavu road and surrounded by the Thottara - Puncha Padashekaram. The field verification revealed that coconut trees were uprooted and replanted in loose soil in the property. Freshly deposited top soil is also seen. Some areas were found to be marshy and there are water logged areas between the coconut trees. There is no

residential or other buildings in that area. The specific report is that the property in question is “Nilam” and if the land is converted, it will adversely affect the nearby paddy field and the prevailing eco-system.

3. The petitioner has filed an objection to the report. The petitioner submits that the LLMC itself has to submit a report and not the Agricultural Officer. There is no merit in the said contention, since the Convenor has filed a report on the basis of the direction issued by this Court. The findings in the report have been blandly controverted, without any substantiation. The petitioner has also produced photographs, marked as Exhibit P4, showing the coconut trees planted in the property. Though reliance on photographs is not possible in a writ petition under Article 226 of the Constitution, even a look at the photographs would not indicate that the land is a converted land. The photographs also lend credence to the report of the Agricultural Officer that there is uprooting done to replant coconut trees.

In the light of the above finding, the writ petition would stand dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]