

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 9110 of 2015 (K)

PETITIONER :

**ABOOBACKER SIDDIK K., AGED 36 YEARS
S/O.HUSSAIN, KONNOLA HOUSE, MANGATTUPULAM
KODUR P.O., MALAPPURAM PIN - 676 504.**

**BY ADVS.SRI.K.ABDUL JAWAD
SRI.MATHEW A KUZHALANADAN**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT - 676 505.**
- 2. THE LOCAL LEVEL MONITORING COMMITTEE
FOR MALAPPURAM MUNICIPALITY
REPRESENTED BY ITS CONVENER (THE AGRICULTURAL FIELD OFFICER)
KRISHI BHAVAN, CIVIL STATION, MALAPPURAM
MALAPPURAM DISTRICT -691 001.**

R1 & R2 BY SR. GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 9110 of 2015 (K)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P-1: TRUE COPY OF THE RELEVANT PAGE OF THE PARTICULARS
 PUBLISHED BY THE GOVERNMENT FOR FIXING FAIR VALUE.**

EXT.P-2: TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK.

**EXT.P-3: TRUE COPY OF THE APPLICATION DTD. 11.2.2015 SUBMITTED BY THE
 PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 9110 of 2015

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Dated, this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) To call for the records leading Ext. P2 and to issue a writ of mandamus and order commanding the 2nd respondent to correct the wrong entry in relation to the land of the petitioner in the data bank and note the land of the petitioner as a garden land, by exercising the power vested in the 2nd respondent as held in 2013 (3) KLT 545 and 2014 (1) KLT 194.

(ii) To issue a writ of mandamus or any other appropriate writ, order or direction to the 2nd respondent to consider and pass orders on Ext. P2, in accordance with law, after conducting a physical verification of the land of the petitioner and to make necessary corrections in the data bank within the time frame fixed by this Hon'ble Court.

(iii) Issue such other writ, direction or order that this Hon'ble Court may deem fit, just and necessary in the facts and circumstances of the case.

2. The petitioner is one of the owners of the land having an extent of 58 cents comprised in Survey No. 353/2 of Panakkad village in Malappuram district. The property, according to the petitioner, is a garden land. The nature of the property is also discernible from the fair value notification issued by the Government, describing the property as a converted land, vide Ext. P1. But the property has been described as 'nilam' in the revenue records and included in the draft data bank register; copy of which has been produced as Ext.P2. According to the learned counsel for the petitioner, the petitioner has filed Ext. P3 representation before the 2nd respondent/Local Level Monitoring Committee to cause the entry in the data bank to be corrected.

3. Heard the learned Government Pleader as well.

4. 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]**. In view of the nature of contentions raised, the matter requires to be considered by the 2nd respondent/Local Level Monitoring Committee. The petitioner has already preferred Ext. P2

representation before the said respondent.

5. In the above circumstance, the 2nd respondent is directed to conduct a spot inspection with notice to the petitioner and pass appropriate orders on Ext. P3, in accordance with law, as expeditiously as possible, 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 2nd respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd