

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 9128 of 2015 (M)

PETITIONER(S):

**AHAMMED HARIS K., AGED 40 YEARS,
S/O. MOOSAKUTTY, KONNOLA HOUSE, MANGATTU PULAM,
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 CONVENOR
(THE AGRICULTURAL FIELD OFFICER),
KRISHI BHAVAN, CIVIL STATION, MALAPPURAM,
MALAPPURAM DISTRICT-676 505.**

BY GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9128 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE RELEVANT PAGE OF THE PARTICULARS,
PUBLISHED BY THE GOVERNMENT, FOR FIXING FAIR VALUE.**

EXHIBIT P2- TRUE COPY OF THE RELEVANT PAGE OF THE DATA BANK.

**EXHIBIT P3- TRUE COPY OF THE APPLICATION DTD. 11-2-2015 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9128 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

Petitioner, is a co- owner of the property situated in Re. Survey No.353/2 of Panakkad Village in Malappuram District. The case of the petitioner is that the said property is a 'garden land' and is lying as above for the past several decades with quite a lot of improvements including age old trees. The property has however been wrongly shown as 'nilam' in Ext.P2 Data Bank, which made the petitioner to submit Ext.P3 application for correction before the second respondent. The delay on the part of the concerned respondent in considering the matter made the petitioner to approach this Court by filing the writ petition.

2. Heard the learned Special Government Pleader as well.

3. It is seen from the pleadings and proceedings that, the property has been shown as converted land in Ext.P2 Draft Data Bank Register. If the property was converted prior to the

commencement of Act 28 of 2008, the said Act has no application in view of the law declared by this Court on many an occasion.

4. The learned Special Government Pleader points out that, an inadvertant mistake was crept in Ext.P2 in so far as the nature of the property has been shown, which is just below the entry 294, wherein the property has been shown as 'fully converted' (5 years), which in turn has been shown in the next column as well, as 'do'. The extent of property shown against the entry in column No.295, which belongs to the petitioner, is 3.36 Acres, which is the same extent shown as 'paddy land' in the next column. It is stated that the description as 'do' in the relevant column against Serial No.295 is a mistake.

5. After hearing both the sides, this Court finds that the matter requires to be considered by the second respondent.

6. In the above circumstances, there will be a direction to the second respondent to finalise Ext.P3 in the light of the law declared by the Division Bench of this Court as per the decision reported in ***Adani Infrastructure & Developers Pvt. Ltd. v. State of Kerala*** (2015 (1) KLT 651) and also after conducting a

spot inspection with notice to the petitioner. Final orders shall be passed in the light of all the relevant records 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 a copy of the writ petition, before the second respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp