

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 9557 of 2015 (T)

PETITIONER(S):

**K.M.NIZAR, AGED 38 YEARS,
SON OF KADAR MOIDEEN, KADAVANKODE KALAM,
TATHAMANGALAM, PALAKKAD.**

**BY ADVS.SRI.JACOB SEBASTIAN
SMT.SHAMSEERA. C.ASHRAF
SRI.T.U.SUJITH KUMAR
SMT.ANU JACOB**

RESPONDENTS:

**1. THE LOCAL LEVEL MONITORING COMMITTEE
FOR KANNADI II VILLAGE,
PALAKKAD CONSTITUTED UNDER
THE CONSERVATION OF PADDY AND
WETLAND ACT REPRESENTED BY ITS CONVENOR
THE AGRICULTURAL OFFICER, KANNADI, PALAKKAD DISTRICT
PIN - 678 701.**

**2. THE VILLAGE OFFICER
KANNADI - II VILLAGE, PALAKKAD, PIN - 678 701.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 9557 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE POSSESSION CERTIFICATE DATED MARCH
 10,2015 ISSUED BY THE SECOND RESPONDENT.**
- EXT.P2: A TRUE COPY OF THE REPORT DATED FEBRUARY 20, 2015 OF THE
 SECOND RESPONDENT.**
- EXT.P3: A TRUE COPY OF THE REPRESENTATION DATED FEBRUARY 27, 2015
 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9557 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"(i) issue a writ in the nature of mandamus commanding the first respondent to inspect the petitioner's property in pursuance of Exhibit P3 and remove the entry regarding the petitioner's property from the draft data bank;

(ii) issue a writ in the nature of mandamus commanding respondent to consider and pass orders on Exhibit P3 representation forthwith after hearing the authorised representative of the petitioner; and

(iii) Issue such other writ, order or direction which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case and in the interest of justice."

2. The learned counsel for the petitioner submits that, the petitioner is the owner of property having an extent of 0.2348 hectors in Re. Survey No.284/11, Block No.50 of Kannadi-II

Village in Palakkad District. The case of the petitioner is that the said property is a 'purayidom', which is wrongly shown as 'wet land' in the Data Bank Register, which made the petitioner to submit Ext.P3 representation for correction before the first 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.

3. Heard the learned Special Government Pleader as well.

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

5. In the above circumstances, there will be a direction to the first 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 giving an opportunity of hearing to 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 first respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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