

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9611 of 2015 (B)

PETITIONER(S):

**SHIBU PAUL, AGED 42 YEARS,
S/O.PAULOSE, PUTHUSSERY HOUSE, ANGAMALY P.O.,
ERNAKULAM DISTRICT - 683 572.**

**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 CONVENOR, AGRICULTURAL OFFICER,
KRISHI BHAVAN - 683 573.**
- 3. AGRICULTURAL FIELD OFFICER,
KRISHI BHAVAN, ANGAMALY, ERNAKULAM DISTRICT - 683 573.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-03-2015 ALONG WITH WP(C) NO.9613/2015 & WP(C) NO.9614,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9611 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1- TRUE COPY OF LAND TAX RECEIPTS DATED 29.08.2014.

**EXT. P2- TRUE COPY OF LETTER DATED 29.11.2014 ALONG WITH RELEVANT PAGE
OF DRAFT DATA BANK REGISTER ISSUED BY THE 3RD RESPONDENT.**

**EXT. P3- TRUE COPY OF APPLICATION DATED 04.12.2014 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

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Dated this the 25th March, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

i) to issue a writ of certiorari or any other appropriate writ or order or direction quashing Ext. P2 to the extent it showing the petitioners property as paddy land in the Draft Data bank Register

ii) to issue a writ of mandamus or any other appropriate writ or order or direction directing the 2nd respondent to consider and pass orders on Exhibit P3 after making the physical verification of the land within a time frame fixed by this Hon'ble Court.

iii) to grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case."

2. Petitioners in all these cases are owners of various extents of properties in Angamaly village, Ernakulam district, which are being possessed and enjoyed by them also satisfying tax as borne by Ext.P1(in all the cases). The petitioners are

aggrieved of description of the above properties as 'Nilam' in the Basic Tax Register, though the properties are actually 'garden land'. In the said circumstance, when they approached the District Collector by filing applications under Kerala Land Utilization Order for utilizing the lands for other purpose than agricultural purposes, they were informed that since the properties are included in the Data Bank Register, permission could be given only after deleting the entry from the Data Bank Register. Accordingly, Exts.P3 applications have been preferred (in all the cases) before the second respondent/Local Level Monitoring Committee for correction of the entry in the Data Bank Register. The delay on the part of the second respondent/LLMC made the petitioners to approach this Court by filing the above writ petitions.

3. Heard the learned Government Pleader as well.

4. The law is well settled by virtue of the decision in **Adani Infrastructure and Developers Private Ltd. vs. State of Kerala** (2015 (1) KLT 651) wherein it has been held that the land owners can approach the respondent/LLMC and for modification of the inclusion of their property by producing

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necessary materials to prove that the land is not a cultivable paddy land and that it is not a paddy land or wet land.

5. In the said circumstance, the second respondent /LLMC is directed to consider and pass appropriate orders on Ext.P3 at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment. The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the second respondent /LLMC for further steps.

The writ petitions are disposed of.

**P.R.RAMACHANDRA MENON
JUDGE**

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