

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDHAN

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 9995 of 2014 (Y)

PETITIONER:

SUKUMAR K.P., AGED 53 YEARS
S/O.PARAMESWARAN NAIR, KUNNATHU HOUSE, THATTAMPADY
KARUMALLOOR, ERNAKULAM - 683 511.

BY ADVS.SRI.JAISHANKAR V.NAIR
SMT.ARATHI KARUNAKARAN
SMT.PARVATHY S.KRISHNAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KAKKANAD,
ERNAKULAM, PIN 682 030.
2. THASILDAR
PARAVUR TALUK, ERNAKULAM.
3. VILLAGE OFFICER
KARUMALLOOR VILLAGE OFFICE, PARAVUR TALUK.

BY GOVERNMENT PLEADER MANOJ P.KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9995 of 2014 (Y)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P-1: TRUE COPY OF THE TAX RECEIPT

EXT.P-2: TRUE COPY OF THE PETITIONER'S APPLICATION BEFORE THE DISTRICT
COLLECTOR.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C)No.9995 Of 2014

DATED THIS THE 17th DAY OF AUGUST, 2015

JUDGMENT

The petitioner who is in ownership and possession of 21.85 Ares of land in Sy.No.254/2 of Karumalloor Village has filed this Writ Petition seeking a writ of mandamus commanding the 2nd respondent to rectify the entries regarding the aforesaid property as 'Purayidom' instead of 'Nilam' in the Village records, Basic Tax Register and other Revenue records by passing appropriate orders or directions and for other consequential reliefs.

2. A statement has been filed on behalf of the 2nd respondent in which it has been stated that the property in question is described as 'Nilam' (paddy land) in Ext.R2(a) draft data bank prepared as per the provisions of the Conservation of Paddy Land and Wet Land Act, 2008. In the counter affidavit the respondents have also stated that the issue raised in this Writ Petition is covered against the petitioner in the judgment of the Apex Court in **Revenue Divisional Officer v. Jalaja Dileep (2015 (1) KLT 984)**.

3. I heard arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

4. In view of the judgment of the Apex Court in Jalaja Dileep's case (*supra*), the petitioner is not entitled for the reliefs prayed for in this Writ Petition. It is for the petitioner to make an application before the Local Level Monitoring Committee constituted under Section 5 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 seeking an order to change the nature of land.

In such circumstances, this Writ Petition is disposed of directing the petitioner to move the concerned Local Level Monitoring Committee under Section 5 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 seeking an order to change the nature of the land. If any such application is filed within three weeks from the date of receipt of a certified copy of this judgment, the said Committee shall consider the same and pass appropriate orders thereon within a period of two months from the date of receipt of a copy of such application, with notice

to the petitioner and after affording the petitioner an opportunity of being heard.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn