

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 9983 of 2015 (W)

PETITIONER(S):

**SUJA MARTIN, W/O.MARTIN,
AGED 50 YEARS, PUTHUKUNNATHU,
THRIKKULASHEKHARAPURAM, METHALA,
KODUNGALLOOR, THRISSUR.**

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

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
THRISSUR- 680 001.**
- 2. THE VILLAGE OFFICER,
POYYA VILLAGE, THRISSUR- 680 733.**
- 3. THE AGRICULTURAL OFFICER,
POYYA VILLAGE, THRISSUR- 680 733.**

BY SPL. GOVT. PLEADER SRI.P.K. SOYUZ.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 9983 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:-

P1: TRUE COPY OF THE APPLICATION DATED 17.03.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.9983 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The case of the petitioner is that the property comprised in Survey No.355 of Poyya Village, Mala, Thrissur District belonging to the petitioner is not a 'paddy land' or 'wet land' as defined under 'Act 28 of 2008' and that the same is a 'reclaimed land'. But the fact remains that the property is described as 'nilam' in the revenue records. So, according to the petitioner, for the better utilization of the property, it has become necessary to obtain sanction under the Kerala Land Utilization Order and accordingly, Ext.P1 application has been preferred before the 1st respondent. The delay in considering the same made the petitioner to approach this Court by filing this writ petition.

2. The learned counsel for the petitioner submits that the factual position of the property is certified by the 2nd and 3rd respondents, to the effect that it was never remaining as a paddy

land or wet land as on the date of commencement of the Act.

3. The learned Special Government Pleader appearing for the respondents submits that the property has been included as 'paddy land' in the draft data bank register.

4. In the said circumstances, the competent authority to deal with the situation is the Local Level Monitoring Committee. The petitioner is therefore to approach the Local Level Monitoring Committee to cause the property to be deleted from the draft data bank register, if such inclusion was erroneous. Without prejudice to the rights and liberties of the petitioner in this regard, the writ petition stands disposed of.

5. The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 1st respondent to take further steps.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-