

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. 9986 of 2015 (W)

PETITIONER(S) :

**UMMER P.A, AGED 37 YEARS,
S/O.ALI HASSAN, POONKULATHUPARAMBIL, PIRAYIRI P.O.,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S) :

**THE LOCAL LEVEL MONITORING COMMITTEE,
(PALAKKAD MUNICIPALITY), REPRESENTED BY ITS CONVENER,
THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
PALAKKAD MUNICIPALITY, PALAKKAD-628 101.**

BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE DOCUMENT NO.6815/2006 OF S.R.O.,
PALAKKAD.**
- EXT.P2: TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE
OFFICER, PALAKKAD I VILLAGE.**
- EXT.P3: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY
THE VILLAGE OFFICER, PALAKKAD I VILLAGE.**
- EXT.P4: TRUE COPY OF THE ORDER BEARING NO.BA/838/14-15/PW4
DATED 20-02-2015 ISSUED BY THE SECOND RESPONDENT.**
- EXT.P5: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 12-03-2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9986 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

"Issue a writ of mandamus or any other appropriate writ Orders or Directions commanding the respondent to consider Ext.P5 request and to delete the principles laid down by this Hon'ble Court in Adani Infrastructure and Developers Private Ltd. vs. State of Kerala (2015 (1) KLT 651)

ii. Issue a writ to declare that the inclusion of the property of the petitioner in the draft data bank is illegal and irregular since the property is located in the midst of a housing colony.

iii. Render such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. "

The learned counsel for the petitioner submits that, the grievance of the petitioner has also been projected by way of Ext.P5 request and that the petitioner will be satisfied, if a direction is given to the respondent to have it considered and finalized within a reasonable time.

2. Heard the learned Government Pleader as well, who

submits that, the application preferred by the petitioner would be considered in the light of the ruling rendered by a Division Bench of this Court in **Adani Infrastructure & Developers Pvt. Ltd. v. State of Kerala** (2015 (1) KLT 651).

3. After hearing both the sides, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of, directing the respondent to consider and pass appropriate orders on Ext.P5 in accordance with law after conducting a spot inspection and ascertaining whether the property was lying as a paddy land or wet land as on the date of commencement of the Act 28 of 2008, in the light of the decision cited supra, 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 the judgment along with a copy of the writ petition before the respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**