

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. 10083 of 2015 (I)

PETITIONER :

**K.P. DEVAKI,
W/O.BALAKRISHNAN NAIR, AGED 53 YEARS,
KRISHNA HOUSE, TENHIPALAM P.O.,
MALAPPURAM DISTRICT, PIN - 673 636.**

**BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
KOZHIKODE - 673 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE - 673 001.**
- 3. THE VILLAGE OFFICER,
AVITTANALLUR, KOZHIKODE DISTRICT, PIN - 673 614.**
- 4. THE LOCAL LEVEL MONITORING COMMITTEE,
KOTTOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS CONVENOR,
(THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KOTTOOR,
KOZHIKODE DISTRICT - 673 614).**

BY SPL.GOVERNMENT 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:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF PARTITION DEED DATED 11/09/96 REGISTERED AS DOCUMENT NO. 2069/1996 OF KOORACHUNDU SRO.
- EXT.P2: PHOTOGRAPHS (2 NOS.) OF THE PETITIONER'S PROPERTY.
- EXT.P3: TRUE COPY OF SURVEY PLAN DATED 11/09/2012 ISSUED BY THE THIRD RESPONDENT.
- EXT.P4: TRUE COPOY OF LOCATION CERTIFICATE NO. 6807/2012 DATED 11/09/2012 ISSUED BY THE THIRD RESPONDENT.
- EXT.P5: TRUE COPY OF LOCATION CERTIFICATE NO. 6808/2012 DATED 11/09/2012 ISSUED BY THIRD RESPONDENT.
- EXT.P6: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ON 11/03/2013.
- EXT.P7: TRUE COPY OF REPORT DATED 11/04/2013 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT.
- EXT.P8: TRUE COPY OF REPORT DATED 25/04/2013 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 1ST RESPONDENT.
- EXT.P9: TRUE COPY OF LETTER DATED 23/05/2013 ISSUED BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P10: TRUE COPY OF THE REPORT DATED 26/08/2013 ISSUED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- EXT.P11: TRUE COPOY OF LETTER DATED 24/09/2013 ISSUED BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P12: TRUE COPY OF REPORT SUBMITTED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT DATED AS 06/01/2014.
- EXT.P13: TRUE COPY OF APPLICATION DATED 23/02/2015 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- EXT.P14: TRUE COPYOF ACKNOWLEDGMENT CARD EVIDENCING RECEIPT OF EXT.P13.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

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P.A.TO JUDGE

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 10083 of 2015

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Dated, this the 7th day of April, 2015

JUDGMENT

The petitioner is the owner of the property having an extent of 30 cents of land situated in Re. Sy No. 33/3 of Avitanalloor amsom desom of Koyilandy taluk. With intent to level the property, the petitioner approached the second respondent seeking necessary permission. On receipt of Ext. P6, the second respondent required the 3rd respondent/Village Officer to submit a report in this regard. Accordingly, the third respondent filed Exts. P7 and P8 reports. The learned counsel for the petitioner submits that the village officer has certified, vide Ext. P8, that though a portion of the property is included in the data bank register, age old trees are standing therein. The third respondent has also submitted Exts. P10 and P12 reports before the first respondent. The grievance of the petitioner is that, though the petitioner has approached the 4th respondent by filing Ext. P13 application for correction in the data bank register, the same is still to be considered. Hence the writ petition.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this Court finds that if any correction or deletion is to be made, it has to be considered by the Local Level Monitoring Committee, which is the law declared by this

Court in **Castlerock Project and Developers Pvt. Ltd. Vs. Revenue Divisional Officer [2013 (3) KLT 545]**. In the

said circumstances, there will be a direction to the 4th respondent to consider and pass appropriate orders on Ext. P13 in accordance with law, after conducting a site inspection and also after hearing the petitioner, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

5. Based on the outcome of inspection and finalization of the proceedings pursuant to Ext. P13, the application preferred by the petitioner by way of Ext. P6 shall be considered by the second respondent and pass appropriate orders thereon, after hearing the petitioner, as expeditiously as possible, at any rate within six weeks thereafter.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

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