

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. 10148 of 2015 (P)

PETITIONER :

**JAMEELA,
W/O.KAJA HUSSAIN K.H.,
AGED 52 YEARS, MUSHAL HUT,
CHANDANAMKURUSSE
NURANI P.O., PALAKKAD DISTRICT-678004.**

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

RESPONDENT :

**THE LOCAL LEVEL MONITORING COMMITTEE,
(PALAKKAD MUNICIPALITY), REPRESENTED BY ITS CONVENOR
THE AGRICULTURAL OFFICER, KRISHI BHAVAN
PALAKKAD MUNICIPALITY, PALAKKAD-678 101.**

BY GOVT. PLEADER SRI. JOSEPH GEORGE

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

Mn

...2/-

WP(C).No. 10148 of 2015 (P)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 TRUE COPY OF DOCUMENT NO.2290/2014 OF S.R.O, KUZHALMANNAM.**
- EXT.P2 TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE
OFFICER,YAKKARA VILLAGE.**
- EXT.P3 TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE
VILLAGE OFFICER,YAKKARA VILLAGE.**
- EXT.P4 TRUE COPY OF THE ORDER BEARING NO.BA/783/14-15/PW6 DATED
07.01.2015 ISSUED BY THE SECOND RESPONDENT.**
- EXT.P5 TRUE COPY OF THE PRESENTATION SUBMITTED BY THE PETITIONER
ON 12.3.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.10148 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a Writ of Mandamus or other appropriate Writ, Order or Direction commanding the respondent to consider Exhibit P5 request and to delete the entry of the petitioners property from the data bank in the light of the principles laid down by this Hon'ble Court in Adani Infrastructure and Developers Private Ltd. Vs. State of Kerala (2015 (1) KLT 651) as expeditiously as possible at any rate within a time frame to be fixed by this Hon'ble Court.

(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."

2. The learned counsel for the petitioner submits that, the petitioner is the owner of property having an extent of 0.0209 hectares in old Survey No.661 (New Sy. No.653/1) in Yakkara Village in Palakkad Taluk. The case of the petitioner is that the said property is a 'dry land' and not a 'paddy land' or 'wet land'

as to the commencement of the Act 28 of 2008. The same, however, happens to be wrongly included in the Data Bank Register as a 'paddy land', which made the petitioner to approach the respondent by filing Ext.P5 representation to have the same deleted. The delay on the part of the respondent in considering the same made the petitioner to approach this Court by filing the writ petition.

3. Heard the learned Special Government Pleader as well.

4. In the said circumstances, there will be a direction to the respondent to consider and pass appropriate orders on Ext.P5 in accordance with law, with notice to the petitioner and after conducting a site inspection, 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 this judgment along with copy of the writ petition before the respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

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