

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 10553 of 2014 (T)  
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PETITIONER(S) :-  
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1. RAMACHANDRA JADAV, S/O.NAM DEV,  
CHERIYALINGAL PARAMBIL,  
C.P.BAZAR, M.M.ALI ROAD,  
P.O.CHALAPPURAM, CALICUT - 673 002.
2. VISWAS JADAV, S/O.NAM DEV,  
CHERIYALINGAL PARAMBIL,  
C.P.BAZAR, M.M.ALI ROAD,  
P.O.CHALAPPURAM, CALICUT - 673 002.

BY ADVS.SRI.T.SETHUMADHAVAN (SR.)  
SRI.PUSHPARAJAN KODOTH  
SRI.K.JAYESH MOHANKUMAR  
SMT.N.DEEPA  
SMT.VANDANA MENON

RESPONDENT(S) :-  
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THE CALICUT CORPORATION,  
REPRESENTED BY ITS SECRETARY,  
CORPORATION OFFICE, CALICUT, PIN - 673 001.

BY SRI.K.D.BABU,SC,KOZHIKODE CORPORATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

jvt

**APPENDIX**

Petitioner's Exhibits :-

Ext.P1 :- True copy of document No.677/2013.

Ext.P2 series :- True copy photographs.

Ext.P3 :- True copy of the possession Certificate issued by the Village Officer Dated 20.6.2013.

Ext.P4 :- True copy of the Order issued by the respondent dated 13.3.2014.

Respondent's Exhibits :- NIL.

//True Copy//

P.A.to Judge

**A.M. SHAFFIQUE, J.**

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**W.P.(C). No.10553 of 2014**  
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**Dated this the 15<sup>th</sup> day of January 2015**

**J U D G M E N T**

The petitioners have approached this Court challenging Ext.P4 and seeking a direction to the respondent to conduct site inspection in the matter relating to grant of building permit to the petitioners.

2. By Ext.P4, the application of the petitioners for building permit has been rejected on the ground that the property is described as 'Nilam' in the revenue records as well as in the data bank prepared by the Local Level Monitoring Committee under the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

3. Learned counsel for the petitioners submits that the property is a garden land and therefore, the building permit has to be issued based on the actual lie of the property as the matter stands now.

4. The question is whether the property is included as 'paddy land' under the 2008 Act. If such entries have been made by the Local Level Monitoring Committee, the

-: 2 :-

Corporation is justified in rejecting the application for building permit. In so far such entries have already been made by the Local Level Monitoring Committee treating the property as a paddy land, the remedy of the petitioner is to approach the Local Level Monitoring Committee to change the nature of the land in the Draft Data Bank particulars. Only if such changes have been made by the Local Level Monitoring Committee that the petitioner can apply for building permit for the land involved in the matter.

Under such circumstances, this Writ Petition is disposed of as under :-

- (i) It shall be open for the petitioners to submit appropriate representation to the Local Level Monitoring Committee to change the category of the land.
- (ii) In the event of any such changes being made by the Local Level Monitoring Committee, it shall be open for the petitioners to submit a fresh application, which shall be considered by the Corporation in accordance with law.

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**