

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 11022 of 2015 (C)

PETITIONER :

**TESSY JOSEPH
W/O. JOSEPH, AGED 37 YEARS
KIRIYANTHAN HOUSE, KORATTY EAST P.O.,
THRISSUR.**

**BY SENIOR ADVOCATE SRI.RENJITH THAMPAN
BY ADVS.SMT.P.R.REENA
SMT.SURYA BINOY**

RESPONDENT :

**LOCAL LEVE MONITORING COMMITTEE
REPRESENTED BY ITS CONVENER, AGRICULTURAL OFFICER
KRISHI BHAVAN, EAST KORATTY P.O.,
THRISSUR, PIN - 680 307.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 11022 of 2015 (C)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1 TRUE COPY OF THE BASIC TAX RECEIPT ISSUED TO THE PETITIONER
DATED 02-04-2014.**

**EXHIBIT P1(a) TRUE COPY OF THE BASIC TAX RECEIPT ISSUED TO THE PETITIONER
DATED 02-04-2014.**

**EXHIBIT P2 PHOTOGRAPHS SHOWING THE PRESENT STATE OF THE
PETITIONER'S PROPERTY.**

**EXHIBIT P3 TRUE COPY OF THE REPRESENTATION DATED 09-03-2015 FILED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.11022 OF 2015
.....

Dated this the 6th April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ in the nature of mandamus commanding the respondents to consider Ext.P3 and after due enquiry including inspection of petitioners property conveyed by Ext.P1 and P1(a) make the correction in the draft data bank prepared under Sec.5(iv) of Kerala Conservation of Paddy and Wetland Act, within such time as may be fixed by this Hon'ble Court.

ii) issue such other orders, writs or directions as are deemed fit by this Hon'ble Court.

iii) award cost of this proceedings to the petitioners. "

2. The case of the petitioner is that she is the owner of 6.23 acres of land in Muringoor Thekkummuri Village and that though the said properties are actually garden land, in the Data Bank Register, some portion of the above property is described as paddy land. The petitioner has preferred Ext.P3 representation before the respondent/LLMC to delete the wrong

entry from the data bank in respect of their property, but the same is still to be acted upon.

3. The law is well settled by virtue of the decision in **Adani Infracstructure and Developers Private Ltd. vs. State of Kerala (2015 (1) KLT 651)**, wherein it has been held that the land owners can approach the respondent/LLMC and for modification of the inclusion of their property by producing necessary materials to prove that the land is not a cultivable paddy land and that it is not a paddy land or wet land.

4. In the said circumstance, the respondent/LLMC is directed to consider and pass appropriate orders on Ext.P3 after hearing, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the respondent for further steps.

The writ petition is disposed of.

P.R.RAMACHANDRA MENON
JUDGE