

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. 11062 of 2015 (G)

PETITIONER(S):

- 1. JOSEPH AGED 48 YEARS
S/O.DEVASSY, KIRIYANTHAN HOUSE, KORATTY EAST PO
THRISSUR**
- 2. TESSY JOSEPH AGED 37 YEARS
W/O.JOSEPH, KIRIYANTHAN HOUSE, KORATTY EAST PO
THRISSUR, REPRESENTED BY POWER OF ATTORNEY HOLDER
JOSEPH, S/O.DEVASSY, AGED 48 YEARS
KIRIYANTHAN HOUSE, KORATTY EAST PO, THRISSUR**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENT(S):

**LOCAL LEVEL MONITORING COMMITTEE
THIRUVANANTHAPURAM, REPRESENTED BY ITS CONVENER
AGRICULTURAL OFFICER, KRISHIN BHAVAN, SASTHAMANGALAM
THIRUVANANTHAPURAM, PIN 695010**

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

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

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1:TRUE COPY OF THE BASIC TAX RECEIPTS ISSUED TO THE FIRST PETITIONER DATED 01.08.2013.

EXHIBIT-P1 A :TRUE COPY OF THE BASIC TAX RECEIPT ISSUED TO THE 1ST PETITIONER DATED 17.07.2013

EXHIBIT-P1 B :TRUE COPY OF THE BASIC TAX RECEIPT ISSUED TO THE 2ND PETITIONER DATED 7.17.2013

EXHIBIT-P2:PHOTOGRAPH SHOWING THE PROPERTY OF THE PETITIONERS

EXHIBIT-P3:TRUE COPY OF THE REPRESENTATION DATED 09.03.2015 FILED BY THE PETITIONERS BEFORE THE RESPONDENT

RESPONDENT(S)' EXHIBITS

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//TRUE COPY//

PATO JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.11062 OF 2015
.....

Dated this the 6th April, 2015

J U D G M E N T

The petitioners, who are husband and wife respectively, have 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 covered by Ext.P1, P1(a) and P1(b) 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 petitioners is that they are owners of various extents of properties in Sasthamangalam Village. Though the said properties are actually garden land, in the Data Bank Register, it is described as paddy land. The petitioners have preferred Ext.P3 representation before the respondent/Local Level Monitoring Committee to delete the 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 Infrastructure 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 petitioners 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

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