

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. 11424 of 2015 (C)

PETITIONER(S) :

1. **ABDULLAKUTTY, AGED 42 YEARS,
S/O.KUNJUMOHAMMED, CHAVUPARAMBIL,
EAST KADUNGALLUR P.O, ALUVA WEST VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT.**
2. **SHAJI MUHAMMED, AGED 45 YEARS,
S/O.ABDUL KAREEM, VILAKKERY, ROYAL NAGAR P.O,
KADUNGALLOOR VILLAGE, ALUVA TALUK, ERNAKULAM DISTRICT.**
3. **FAISA RAHMAN, AGED 33 YEARS,
W/O.SHAJI MUHAMMED, VILAKKERY, ROYAL NAGAR P.O,
KADUNGALLOOR VILLAGE, ALUVA TALUK, ERNAKULAM DISTRICT.**
4. **MUNEERA, AGED 37 YEARS,
W/O.ABDULLAKUTTY, CHARIVUPARAMBIL,
EAST KADUNGALLUR P.O, ALUVA WEST VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT.**
5. **FASIL, AGED 31 YEARS,
S/O.ABDUL KAREEM, THIRUNILATH HOUSE, MANNAM P.O,
PARAVUR VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

1. **THE LOCAL LEVEL MONITORING COMMITTEE,
KUNNUKARA REPRESENTED BY ITS CONVENER,
AGRICULTURAL OFFICER, KUNNUKARA,
ERNAKULAM DISTRICT, PIN- 682 576.**
2. **THE DISTRICT LEVEL AUTHORIZED COMMITTEE,
ERNAKULAM DISTRICT, REPRESENTED BY ITS CHAIRMAN,
REVENUE DIVISIONAL OFFICER (RDO), FORTKOCHI,
ERNAKULAM DISTRICT, PIN- 682 001.**

BY GOVERNMENT 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:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE TAX RECEIPT DATED 16.12.2014 ISSUED BY THE VILLAGE OFFICER, PUTHENVELIKKARA VILLAGE TO THE FIRST AND SECOND PETITIONERS.

EXHIBIT P2: TRUE COPY OF THE TAX RECEIPTS (2 NOS) DATED 16.12.2014 ISSUED BY THE VILLAGE OFFICER, PUTHENVELIKKARA VILLAGE ISSUED TO THE THIRD AND FOURTH PETITIONERS.

EXHIBIT P3: TRUE COPY OF THE TAX RECEIPT DATED 16.12.2014 ISSUED BY THE VILLAGE OFFICER, PUTHENVELIKKARA VILLAGE ISSUED TO THE FIFTH PETITIONER.

EXHIBIT P4: TRUE COPY OF THE BUILDING TAX RECEIPT DATED 31.03.2008 ISSUED TO THE PREVIOUS OWNER OF LAND BY KUNNUKARA PANCHAYATH.

EXHIBIT P5: TRUE COPY OF THE BUILDING TAX RECEIPT DATED 23.06.2012 ISSUED TO THE PREVIOUS OWNER OF LAND BY NAME MR.FIROZ BY KUNNUKARA PANCHAYATH.

EXHIBIT P6: TRUE COPY OF THE RELEVANT PAGES OF THE DRAFT DATA BANK OF THE PUTHENVELIKKARA VILLAGE ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KUNNUKARA.

EXHIBIT P7: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PREVIOUS OWNER OF THE LAND BY NAME FIROZ MUHAMMED BEFORE THE DISTRICT COLLECTOR, ERNAKULAM DATED 02.01.2013.

EXHIBIT P8: TRUE COPY OF THE COMMUNICATION ISSUED BY THE ADDITIONAL TAHASILDAR, PARAVUR TO THE FIRST RESPONDENT.

EXHIBIT P9: TRUE COPY OF RELEVANT PAGES OF THE MINUTES OF LOCAL LEVEL MONITORING COMMITTEE ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KUNNUKARA DATED 09.12.2013.

EXHIBIT P10: TRUE COPY OF THE APPLICATION DATED 27.02.2015 SUBMITTED BY THE PETITIONERS BEFORE THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 11424 of 2015

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Dated, this the 7th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

"(i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to receive, consider and dispose exhibit P10 representation submitted by the petitioners to correct the entry regarding the class of land of petitioners in the draft data bank prepared under the Kerala Paddy Land and Wet Land Act 2008

(ii) Issue such other writ or orders or directions which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case."

2. The first and second petitioners are owners of the land having an extent of 25.23 Ares comprised in Survey No. 130/2A of Puthenvelikkara village, while third and fourth petitioners are owners of the property having an extent of 22.94 Ares of land comprised in Sy. Nos. 130/2A and 102/6. The fifth petitioner is the owner of the property having an extent of 12.24 Ares of land comprised in Sy. No. 130/2A. The petitioners are enjoying the property also satisfying

the tax. The properties, according to the petitioners, is a converted land, but they have been wrongly included in the draft data bank register. It is in the said circumstances that the petitioners have approached the first respondent by filing Ext. P10 representation for causing the entry in the data bank register to be corrected.

3. Heard the learned Government Pleader as well.

4. Coming to the case in hand, the petitioners properties have been included in the draft data bank, though according to the petitioners, it is a wrong inclusion. 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]**. The Apex Court as per the decision reported in **2015 (1) KLT 984 (SC) [Revenue Divisional Officer VS. Jalaja Dileep]**, has held that in respect of the property which was converted before the commencement of the Act 28 of 2008, the matter could be caused to be considered by the District Collector under the relevant provisions of the KLU Order.

5. In view of the nature of contentions raised, the matter requires to be considered by the 1st respondent/Local Level Monitoring Committee. The petitioners have already preferred Ext. P10 representation before the first respondent. In the above circumstance, the first respondent is directed to conduct a spot inspection with notice to the petitioners and pass appropriate orders on Ext. P10, in accordance with law, after hearing, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Depending upon the orders to be passed by the first respondent, it is open for the petitioners to move the concerned authority under Clause 6 of the Kerala Land Utilization Order for redressal of the grievance, if any.

The petitioners 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)**