

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 11551 of 2015 (T)

PETITIONER(S):

- 1. SMT.PADMINI, W/O. DHARMADAS,
AGED 56 YEARS, KAREPARAMBIL HOUSE,
CHOOLOOR P.O, THRISSUR DISTRICT.**
- 2. SMT. MINI, W/O. SUBRAMANIAN,
KAYAMPURATH HOUSE, VELLANI P.O,
THRISSUR DISTRICT.**

BY ADV. SRI.P.K.ANIL

RESPONDENT(S):

- 1. THE KATTOOR GRAMA PANCHAYAT,
P.O.KATTOOR, THRISSUR-680 702,
REPRESENTED BY ITS SECRETARY**
- 2. THE SECRETARY,
KATTOOR GRAMA PANCHAYATH, P.O.,
KATTOOR, THRISSUR - 680 702**
- 3. THE LOCAL LEVEL MONITORING COMMITTEE,
KATTOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS CONVENER,
(THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
KATTOOR) - 680 702.**

**R1 & R2 BY ADV. SRI.T.N.MANOJ
R3 BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1:** TRUE COPY OF THE BASIC TAX RECEIPT IN RESPECT OF
1ST RESPONDENT.
- EXT. P1(A):** TRUE COPY OF THE BASIC TAX RECEIPT IN RESPECT OF
2ND PETITIONER.
- EXT. P1(B):** ENGLISH TRANSLATION OF EXT.P1.
- EXT.P1(C):** ENGLISH TRANSLATION OF EXT.P1(A).
- EXHIBIT P2:** TRUE COPY OF THE COMMUNICATION ISSUED BY THE
2ND RESPONDENT.
- EXT. P2(A):** ENGLISH TRANSLATION OF EXHIBIT P2.
- EXHIBIT P3:** TRUE COPY OF THE RELEVANT PORTION OF THE DRAFT DATA BANK.
- EXT P3(A):** ENGLISH TRANSLATION OF EXT.P3.
- EXHIBIT P4:** TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONERS
BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.11551 of 2015

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Dated this the 12th day of August, 2015

JUDGMENT

The first petitioner purchased an extent of 1.21 Ares of land as per document dated 20.3.2006 in R.S Nos.411/3 and 411/5 of respondent panchayat. The second petitioner also purchased an extent of 3.03 Ares of land comprised in the same re-survey numbers in the same panchayat. The petitioners allege that both the properties are lying contiguously.

2. When the petitioners submitted application before the first respondent seeking permission to construct a commercial building in the said properties, it was rejected saying that the application for construction of commercial building in a converted land cannot be permitted as per the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008. The petitioners allege that though in the data bank their property is included as nilam, there also it has been stated that the land has been converted about 10 years back.

3. Since the inclusion of the properties in the draft data bank is on a mistake, the petitioners submitted Ext.P4

representation before the 3rd respondent. However, no action has been taken on the representation. It is with this background, the petitioners have come up before this Court.

4. I have heard the learned counsel for the petitioners, the learned standing counsel for the respondent municipality and the learned Government Pleader in the matter.

As the learned counsel for the petitioners has confined his argument to the limited prayer for a direction to the third respondent to consider Ext.P4 representation submitted by the petitioners, this writ petition is disposed of directing the 3rd respondent to consider and pass appropriate orders on Ext.P4 representation after hearing the petitioners within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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