

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No.11659 of 2015 (F)

PETITIONER:

**REJI.K.M,S/O.MANOCHARAN,KARUMANDRA (AYODHYA) HOUSE,
P.O.KUDALLUR,PALAKKAD DISTRICT,PIN-679 554.**

**BY ADVS.SRI.M.H.HANIL KUMAR
SMT.M.R.JAYALATHA
SRI.M.R.DHANIL**

RESPONDENT'S:

- 1. STATE OF KERALA,REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE LOCAL LEVEL MONITORING COMMITTEE,
REP. BY ITS CONVENOR AND AGRICULTURE OFFICER,
KRISHI BHAVAN,ANAKKARA,KUMBIDI PO,PALAKKAD-679 553.**
- 3. AGRICULTURE OFFICER,KRISHI BHAVAN,
ANAKKARA,KUMBIDI P.O,PALAKKAD-679 553.**
- 4. THE VILLAGE OFFICER,ANAKKARA,KUMBIDI P.O,
PALAKKAD-679 553.**

R1 TO R4 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

W.P(C) NO.11659/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:A TRUE COPY OF THE COMMUNICATION ISSUED BY THE HINDUSTAN PETROLEUM CORPORATION LIMITED DATED 24.3.2015 TO THE PETITIONER.

EXT.P2:A TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE THIRD RESPONDENT DATED 19.7.2014.

EXT.P3:A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER DATED 20.10.2014.

EXT.P4:A TRUE COPY OF THE SKETCH ISSUED BY THE VILLAGE OFFICER ANAKKARA DATED 1.11.2014.

EXT.P5:A TRUE COPY OF THE APPLICATION DATED 25.3.2015 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 11659 of 2015

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Dated, this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ of mandamus or other appropriate writ or direction, commanding the 2nd respondent to consider and pass on Ext. P5 application in the light of law laid down by this Honourable Court in Adani Infrastructure & Developers Pvt. Ltd. Vs. State of Kerala [2015 (1) KLR 651] after affording an opportunity of being heard to the petitioner.

(ii) Issue a writ of mandamus or other appropriate writ or direction, directing the respondents 2 to 4 to carryout necessary changes in the Draft Data Bank to record the property of the petitioner lying in Sy. No. 16/4 & No. 16/5 of Anakkara village in Pattambi Taluk as dry land.

(iii) Declare that the property of the petitioner lying in Survey No. 16/4 & 16/5 of Anakkara village in Pattambi taluk is a dry land.

(iv) Issue such other appropriate writ, order or direction which this Hon'ble Court may deem fit in the circumstances of the case;"

2. The petitioner is the owner of the land having an extent of 33.35 cents situated in Survey Nos. 16/4 and 16/5 of Anakkara Village. The property, according to the petitioner, is a dry land. But the property has been described as 'paddy land' in the revenue records and draft data bank register. According to the learned counsel for the petitioner, the petitioner has filed Ext. P5 representation before the 2nd respondent/Local Level Monitoring Committee to cause correction in the Data Bank Register, which is still to be considered. Hence the writ petition, seeking for a direction to be issued to the second respondent to consider and pass appropriate orders on Ext. P5 within a reasonable time.

4. Heard the learned Government Pleader as well.

5. The law has been declared by this Court that, if any correction or deletion is to be made, it has to be considered by the Local Level Monitoring Committee, as held in **Castlerock Project and Developers Pvt. Ltd. Vs. Revenue Divisional Officer [2013 (3) KLT 545]**. It has been declared by a Division Bench this Court as per the judgment rendered in **Adani Infrastructure & Developers Pvt. Ltd Vs. State of Kerala [2015 (1) KLT 651]** that preparation of draft data bank enables the land holders to approach the LLMC and seek for modification of the inclusion of

their property by producing necessary materials to prove that the land is not a cultivable paddy land or that it is not a wet land.

6. In view of the nature of contentions raised, the matter requires to be considered by the 2nd respondent/Local Level Monitoring Committee. The petitioner has already preferred Ext.P5 representation before the 2nd respondent. In the above circumstance, the 2nd respondent is directed to conduct a spot inspection with notice to the petitioner and pass appropriate orders on Ext. P5, in accordance with law, 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 2nd respondent, it is open for the petitioner to move the concerned authority under Clause 6 of the Kerala Land Utilization Order for redressal of the grievance, if any.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the 2nd respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd