

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12373 of 2015 (V)

PETITIONER :

**M/S. R.M.D.REALTORS PRIVATE LIMITED
40/7669, MARKET ROAD, KOCHI – 11
REPRESENTED BY DIRECTOR
LUCKOCHAN K.P., 40/7669, MARKET ROAD
KOCHI – 11.**

**BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)
SRI.RILGIN V. GEORGE
SMT.E.U.DHANYA**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM – 695 001.**
- 2. THE DISTRICT COLLECTOR
ERNAKULAM – 682 030.**

R1 & R2 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE REPORT DATED 22-5-2013 OF THE ADDITIONAL
TAHSILDAR, KANAYANNUR.
- EXT.P2 COPY OF THE REPORT DATED 4-5-2013 OF THE VILLAGE OFFICER,
MARADU.
- EXT.P3 COPY OF THE DRAFT DATA BANK.
- EXT.P4 COPY OF THE FAIR VALUE REGISTER.
- EXT.P5 COPY OF THE RELEVANT PAGE OF THE REVENUE RECORD IN
RESPECT OF PROPERTY IN SURVEY NO. 184 OF MARADU VILLAGE.
- EXT.P6 COPY OF THE REPRESENTATION DATED 4-7-2013 OF THE
PETITIONER.
- EXT.P7 COPY OF JUDGMENT IN WP(C) NO. 18623 OF 2013 OF THIS
HONOURABLE COURT.
- EXT.P8 COPY OF THE ORDER DATED 3-2-2015 OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.12373 OF 2015
.....

Dated this the 10th April, 2015

J U D G M E N T

The petitioner is the owner of the property comprised in Sy.No.185/1,2,3,4,5 in Block No.14 of Maradu Village in Kanayannur Taluk. The case of the petitioner is that the property is actually a garden land with 30 years old coconut trees, bamboo and other trees. It is also stated that the said property has been described as 'converted land' in the data bank register. The petitioner also relies upon Ext.P2 report of the Village Officer stating that the property is not suitable for cultivation. Pursuant to Ext.P6 representation preferred before the District Collector for granting permission to develop the property, Ext.P8 order has been passed by the second respondent/District Collector directing the Local Level Monitoring Committee to change the status of the petitioner's property as 'cultivable land'. Being aggrieved of the said order, the present writ petition is filed.

2. Heard the learned Government Pleader as well, who submits that the actual position/nature of the property is not discernible from Ext.P3 extract of Data Bank Register and as

such, for re-considering the case of the petitioner, a report has to be obtained from the Local Level Monitoring Committee.

3. In the said circumstance, the second respondent/District Collector is directed to call for a report from the concerned Local Level Monitoring Committee and re-consider Ext.P6 in accordance with law, which shall be done after affording an opportunity of hearing to the petitioner. So as to facilitate such exercise, Ext.P8 stands set aside. The proceedings as above shall be finalised at the earliest, at any rate, within two months from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent/District Collector for further steps.

The writ petition is disposed of.

P.R.RAMACHANDRA MENON
JUDGE

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