

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15470 of 2015 (G)

PETITIONER(S):

- 1. ESTHAPPAN, AGED 77 YEARS,
S/O. DEVASSY, NO. 306 MOOLANS, ANGAMALY
ERNAKULAM DISTRICT.**
- 2. MARYKUTTY, AGED 73 YEARS,
E/O. ESTHAPPAN, NO. 306 MOOLANS, ANGAMALY
ERNAKULAM DISTRICT.**
- 3. JOSSY STEPHEN, AGED 44 YEARS,
S/O. ESTHAPPAN, NO. 306 MOOLANS, ANGAMALY
ERNAKULAM DISTRICT.**
- 4. BIJI STEPHEN, AGED 40 YEARS,
S/O. ESTHAPPAN, NO. 306 MOOLANS, ANGAMALY
ERNAKULAM DISTRICT.**
- 5. NAISY, AGED 44 YEARS,
W/O. JOSSY STEPHEN, NO. 306 MOOLANS, ANGAMALY
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, CIVIL STATION, ERNAKULAM-682030.**
- 2. THE THASILDAR, ALUVA TALUK, ERNAKULAM - 673 101.**
- 3. THE VILLAGE OFFICER, THURAVOOR VILLAGE, THURAVOOR,
ANGAMALY, ERNAKULAM - 683 586.**
- 4. THE LOCAL LEVEL MONITORING COMMITTEE,
CONSTITUTED UNDER SECTION 5 OF THE KERALA CONSERVATION
OF PADDY AND WET LAND ACT
2008, REPRESENTED BY ITS CONVENOR
THE AGRICULTURAL OFFICER, THURAVOOR, ANGAMALY
ERNAKULAM - 683 586.**

BY GOVERNMENT PLEADER SRI.P.K.SOYUS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE EXTENT AND IDENTITY OF LANDS OWNED BY
THE PETITIONERS**

**EXHIBIT-P2- TRUE COPY OF THE JUDGMENT DATED 04/09/2013 IN W.P(C)
19304/2013.**

**EXHIBIT-P3- TRUE COPY OF THE REPRESENTATION DATED 10/04/2015 MADE BY
THE PETITIONERS BEFORE THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

W.P(C). No.15470 of 2015

Dated this the 26th day of May, 2015.

JUDGMENT

The petitioners are owners in possession of certain lands in Thuravoor Village in Aluva Taluk. The petitioners are aggrieved with the fact that they are not being issued with a building permit, since the properties of the petitioners have been included in the Data Bank prepared in terms of Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for brevity, Act of 2008). The petitioners contend that the lands of the petitioners are not cultivated and the adjacent lands have been filled up and constructions made thereon. However, since the properties have already been included in the Data Bank prepared in terms of the Act of 2008, the petitioners would have to approach the Local Level Monitoring Committee, the 4th respondent herein, for removing the same from the Data Bank as had been laid down in **Adani Infrastructure and Developers Pvt. Ltd. v. State of**

Kerala [2015 (1) KLT 651].

2. The petitioners are also said to have filed Ext.P3 representation before the Local Level Monitoring Committee, the 4th respondent for consideration of the prayer for removal of the entries of their lands from the Data Bank under the Act of 2008.

In such circumstances, if Ext.P6 is received in original with the 4th respondent, the same shall be considered, if necessary after conducting a site inspection and orders be passed in accordance with law, as has been stated in the aforecited judgment. The orders shall be passed at any rate within three months from the date of production of the certified copy of this judgment.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp