

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. 15477 of 2015 (H)

PETITIONER(S) :

SMITHA SAJAN,
AGED 35 YEARS, W/O.SAJAN MATHEW,
NIRAPPAHAZHATHU VEEDU,
KINAVALLOR P O, PARALI, PALAKKAD - 678 612.

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
PALAKKAD, PIN - 678 001.
2. THE DISTRICT LEVEL AUTHORISED COMMITTEE,
PALAKKAD CONSTITUTED UNDER THE CONSERVATION OF PADDY AND
WETLAND ACT, REPRESENTED BY ITS CONVENOR,
THE PRINCIPAL AGRICULTURAL OFFICER, PALAKKAD DIST.,
PIN - 678 001.
3. THE LOCAL LEVEL MONITORING COMMITTEE FOR PARALI I
VILLAGE PALAKKAD CONSTITUTED UNDER THE CONSERVATION OF
PADDY AND WETLAND ACT, REPRESENTED BY ITS CONVENOR,
THE AGRICULTURAL OFFICER, PARALI I, PALAKKAD DIST.,
PIN - 678 612.

BY GOVERNMENT PLEADER SRI.C.K.SHERIN.

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

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1:- A TRUE COPY OF THE POSSESSION CERTIFICATE DTD FEBRUARY
2, 2013 ISSUED BY THE VILLAGE OFFICER, PARAL-I, VILLAGE.

EXT. P2:- A TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.

EXT. P3:- A TRUE COPY OF THE LETTER DTD. 31/12/2013 ISSUED BY THE
2ND RESPONDENT.

EXT. P4:- A TRUE COPY OF THE APPEAL APPLICATION DTD. MAY 18, 2015
SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT. P5:- A TRUE COPY OF THE RECEIPT ISSUED BY THE FIRST
RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P(C). No.15477 of 2015

Dated this the 26th day of May, 2015.

JUDGMENT

The petitioner is the absolute owner in possession of the property having an extent of 0.0372 hectares in old Survey No.182B, Resurvey No.684/11 of Parali-I Village in Palakkad District as evident from Ext.P1 Possession Certificate. The petitioner is aggrieved with the fact that the petitioner is not being issued with a building permit, since the same has 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 petitioner contends that the land of the petitioner is not cultivated and the adjacent lands have been filled up and constructions made thereon. However, since the property has already been included in the Data Bank prepared in terms of the Act of 2008, the petitioner would have to approach

the Local Level Monitoring Committee, the 3rd 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 petitioner is also said to have filed Ext.P4 request before the authorities under the Act of 2008.

In such circumstances, if Ext.P4 is received in original, 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