

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 15754 of 2015 (T)

PETITIONER:

**MUHAMMED HANEESH,
S/O. SHAJAHAN, THOPPIL HOUSE, NORTH PARAVOOR,
ERNAKULAM.**

**BY ADVS.SRI.JAISHANKAR V.NAIR
SMT.ARATHI KARUNAKARAN
SMT.PARVATHY S.KRISHNAN**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
KAKKANAD, ERNAKULAM, PIN-682 030.**
- 2. THE LOCAL LEVEL MONITORING COMMITTEE,
KUNNATHUNADU VILLAGE,
REPRESENTED BY AGRICULTURAL OFFICER,
KUNNATHUNADU VILLAGE, ERNAKULAM-683 542.**
- 3. THE VILLAGE OFFICER,
KUNNATHUNADU VILLAGE, ERNAKULAM, PIN-683 542.**

BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 15754 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE APPLICATION DATED 01/01/2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 15754 of 2015 (T)

Dated this the 28th day of May, 2015

J U D G M E N T

The petitioner in the above writ petition contends that he is the owner of the property in Survey Nos.258/2, 258/4, 260, 261, 262 in Block No.36 of Kunnathunadu Village, Ernakulam. The petitioner is aggrieved with the fact that the petitioner is not being issued with a building permit, since the property has been included in the draft 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 fit for cultivation and the adjacent lands have been filled up and constructions made thereon. However, since the property has already been included in the draft Data Bank prepared in terms of the Act of 2008, the petitioner would have to approach the Local Level Monitoring Committee, the 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.P1 application before the authorities under the Act of 2008.

In such circumstances, if Ext.P1 is received in original with the 2nd 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 afore cited 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