

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 16598 of 2015 (Y)

PETITIONER(S):

**JOHNY, AGED 58 YEARS,
S/O. PORINCHU, KUTHIYATHODU KARA,
PUTHENVELIKKARA VILLAGE, PARAVUR TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.R.RAJESH

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM - 682 030.**
- 2. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, NORTH PARAVUR,
ERNAKULAM DISTRICT - 688 518.**
- 3. THE AGRICULTURAL OFFICER,
KUNNUKARA, NORTH PARAVUR, ERNAKULAM - 688 518.**
- 4. THE LOCAL LEVEL MONITORING COMMITTEE,
KUNNUKARA, REPRESENTED BY ITS CHAIRMAN, KUNNUKARA
ERNAKULAM DISTRICT - 688 518.**

BY GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 16598 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1-TRUE COPIES OF THE APPLICATIONS DATED 05/10/2012 SUBMITTED
BEFORE THE 1ST RESPONDENT.**

**EXHIBIT-P2-TRUE COPIES OF THE REPORTS DATED 20/12/2012 SUBMITTED BY THE
2ND RESPONDENT BEFORE 3RD RESPONDENT PERTAINING TO
DIFFERENT ITEMS OF PROPERTIES OF THE PETITIONER.**

**EXHIBIT-P3-TRUE COPY OF THE MINUTES OF THE MEETING OF THE
4TH RESPONDENT.**

**EXHIBIT-P4-TRUE COPIES OF THE APPLICATIONS SUBMITTED UNDER RIGHT TO
INFORMATION ACT BEFORE THE OFFICE OF THE 3RD RESPONDENT.**

**EXHIBIT-P5-TRUE COPY OF THE REPLY GIVEN BY THE 3RD RESPONDENT TO
EXHIBIT-P4 SERIES.**

**EXHIBIT-P6-TRUE COPY OF THE PHOTOGRAPHS EVIDENCING THE NATURE AND LIE
OF THE PETITIONER'S PROPERTY.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.

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W.P.(C) No.16598 of 2015 - Y

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Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of mandamus, or any other writ, order or direction directing the fourth respondent to delete the property of the petitioner comprised in Survey No.23/4, 23/2, 80/11A, 81/1C, 81/1B, 81/3, 80/12 and 80/9B of Puthenvelikara Village from the data bank prepared within the limits of the said Village.

ii) To declare that the properties comprised within Survey No.23/4, 23/2, 80/11A, 81/1C, 81/1B, 81/3, 80/12 and 80/9B of Puthenvelikara Village is not liable to be included in the data bank prepared by the fourth respondent.

iii) Issue a writ of mandamus, or any other writ, order or direction directing the first respondent to consider Ext.P1 representation with law forthwith and

vi) Pass such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. Heard both sides in detail.

4. After going through the pleadings and proceedings, it is seen that the property of the petitioners was wrongly included in the Data Bank Register as a 'paddy land' and that the same is now situated as a 'converted land' and it was found that the land is found as a joint property and with quite a lot of improvements, including age old Coconut trees, nutmeg and mango trees. The factual position is conceded by the 3rd respondent in the report as aforesaid.

5. In the said circumstances, there will be a direction to the 4th respondent to take necessary steps to delete the properties comprised in Survey No.23/4, 23/2, 80/11A, 81/1C, 81/1B, 81/3, 80/12 and 80/9B of Puthenvelikara Village belonging to the petitioner from the Data Bank Register and appropriate steps shall be taken by the competent authority for

causing the notification of the same, if necessary, by way of appropriate proceedings. The proceedings as above shall be finalised at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 4th respondent, for further steps.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.