

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 16805 of 2015 (A)

PETITIONER :

**BASTIN K. AUGUSTIN, AGED 38 YEARS
S/O. AUGUSTIN, KACHAPPILLY HOUSE, ANGAMALY SOUTH P.O.
ERNAKULAM DISTRICT-683573.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C. DAVIS**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF AGRICULTURE, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. LOCAL LEVEL MONITORING COMMITTEE
REPRESENTED BY ITS CONVENER, AGRICULTURAL OFFICER
KRISHI BHAVAN, ANGAMALY, ERNAKULAM DISTRICT-683572.**
- 3. AGRICULTURAL OFFICER
ANGAMALY, ERNAKULAM DISTRICT-683572.**

R1 TO R3 BY SR. GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 16805 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF LETTER DATED 12.12.2014 ALONG WITH RELEVANT
PAGE OF DRAFT DATA BANK REGISTER ISSUED BY THE 3RD
RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF APPLICATION DATED 4.12.2014 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P(C). No.16805 of 2015

Dated this the 5th day of June, 2015.

JUDGMENT

The petitioner is the absolute owner in possession of property having an extent of 13.39 Ares comprised in Block No.11, Resurvey No.186/8-4 of Angamali Village in Ernakulam District. The petitioner is aggrieved with the fact that the same has been wrongly included in the Data Bank prepared in terms of Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for brevity, Act of 2008) as 'paddy land'. The petitioner contends that the land was reclaimed decades back before the commencement of the Act, 2008 and that the adjacent lands are not paddy lands. It is submitted that the grievance of the petitioner has already been projected by way of Ext.P2 before the 2nd respondent Local Level Monitoring Committee, which is stated to be pending consideration. The prayer is to cause the same to be considered and disposed of within a reasonable time in view of

the ruling rendered by a Division Bench of this Court in **Adani Infrastructure & Developers Pvt. Ltd. v. State of Kerala (2015 (1) KLT 651)**.

2. In such circumstances, if Ext.P2 is received in original, the same shall be considered, if necessary after conducting a site inspection and orders passed in accordance with law, as has been declared 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