

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 16880 of 2015 (H)

PETITIONER(S):

**HAMZA, AGED 63 YEARS,
S/O.KUNJUMHAMMED, MUTHANGAYIL HOUSE,
PALLAM P.O, THRISSUR DISTRICT.**

**BY SRI.RENJITH THAMPAN, SENIOR ADVOCATE.
ADV. SMT.P.R.REENA.**

RESPONDENT(S):

**THE LOCAL LEVEL MONITORING COMMITTEE,
VALLATHOLNAGAR GRAMA PANCHAYATH,
REPRESENTED BY ITS CONVENOR,
AGRICULTURAL OFFICER, KRISHI BHAVAN,
VALLATHOLNAGAR, CHERUTHURUTHY P.O.,
THRISSUR DISTRICT-679 531.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

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APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1. COPY OF BASIC TAX RECEIPT ISSUED BY THE CHERUTHURUTHY VILLAGE DATED 29.05.2015.

EXHIBIT P2. PHOTOGRAPHS SHOWING THE PETITIONER'S PROPERTY.

EXHIBIT P3. COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE RESPONDENT DATED 20.05.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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Dated this the 8th day of June, 2015

J U D G M E N T

The petitioner and his son are the absolute owners in possession of a property having an extent of 29 cents of land in Sy.No.33/1 of Cheruthuruthy Village as evidenced from Ext.P1 copy of the Basic Tax Register issued by the Cheruthuruthy Village dated 29.05.2015. 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 suitable 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

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petitioner would have to approach the Local Level Monitoring Committee, the 1st 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.P3 request before the authorities under the Act of 2008.

In such circumstances, if Ext.P3 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**

SB

// true copy //
P.A to Judge.