

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 17864 of 2015 (G)

PETITIONER(S):

**KRISHNANUNNI, AGED 64 YEARS,
S/O.MADHAVAN NAIR, VALIYADIPARAMBA HOUSE,
MANJERI AMSOM, DESOM P.O, MANJERI -676 121.
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.R.RANJITH.

RESPONDENT(S):

- 1. LOCAL LEVEL MONITORING COMMITTEE,
(KARUVAMBRAM VILLAGE),
REPRESENTED BY ITS CONVENOR,
MINI CIVIL STATION, MANJERI- 676 121.**
- 2. MANJERI MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MANJERI- 676 121.**

**R1 BY GOVT. PLEADER SRI.S. JAMAL.
R2 BY ADV. SRI.K.SHIBILI NAHA, SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER NARUKARA DATED 02.05.2014.

EXHIBIT P2. COPY OF THE PHOTOGRAPHS SHOWING THE NATURE OF THE PROPERTY.

EXHIBIT P3. COPY OF THE PETITION/APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT BY REGISTERED POST DATED 27.08.2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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Dated this the 23rd day of June, 2015

J U D G M E N T

The petitioner is the absolute owner in possession of a property having an extent of 1.46 ³/₄ Ares of land in Sy.No.257/6 of Karuvambram Village, Ernad taluk as evidenced from Ext.P1 copy of the Basic Tax Register issued by the Village Officer Narukara dated 02.05.2014. The petitioner is aggrieved with the fact that the petitioner's property stands wrongfully included in the Data Bank prepared by the 1st respondent as provided under Section 5(4) of the 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 petitioner would have to approach the Local Level Monitoring

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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.