

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. 17991 of 2015 (Y)

PETITIONER(S) :

**ABDU RAHIMAN, AGED 38 YEARS,
S/O.ABDULLA, VADAKKANIYEDATH HOUSE, KUTTAYI,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S) :

- 1. THE LOCAL LEVEL MONITORING COMMITTEE FOR CHERIAMUNDAM
PANCHAYATH, CONSTITUTED UNDER THE CONSERVATION OF PADDY
LAND WETLAND ACT, REPRESENTED BY ITS CONVENOR,
THE AGRICULTURAL OFFICER, CHERIAMUNDAM,
MALAPPURAM DISTRICT, PIN- 676 111.**
- 2. THE DISTRICT LEVEL MONITORING COMMITTEE FOR MALAPPURAM
DISTRICT, CONSTITUTED UNDER THE CONSERVATION OF PADDY AND
WETLAND ACT, REPRESENTED BY ITS CONVENOR,
THE PRINCIPAL AGRICULTURAL OFFICER,
MALAPPURAM DISTRICT, PIN 676 505**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 17991 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE POSSESSION CERTIFICATE
DATED 01.06.2015 ISSUED BY THE VILLAGE OFFICER,
CHERIYAMUNDAM VILLAGE.**

**EXHIBIT P2: A TRUE COPY OF THE APPLICATION DATED 04.06.2015
SUBMITTED BY THE PETITIONER BEFORE THE FIRST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 17991 of 2015

Dated this the 23rd day of June, 2015

J U D G M E N T

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 there is no paddy cultivation in and around the petitioner's property. But the petitioner's property is said to be classified as a “wet land” and not “paddy land”. It is also submitted that since he has no dry land on his own to construct a residential house, he made an application under Section 9 of the Act. However, since the property has already been included in the draft Data Bank prepared in terms of the Act of 2008, as a wet land, no such application under section 9 can be considered. No such permission is contemplated to permit house construction in a “wet land”. The petitioner would have to

approach the Local Level Monitoring Committee, the respondent herein, for removing the land from the Data Bank as had been laid down in Adani Infrastructure and Developers Pvt. Ltd. v. State of Kerala - [2015 (1) KLT 651], if the same is not wet land or converted prior to the Act of 2008.

2. The petitioner will have to make a proper representation before the authorities under the Act of 2008.

3. In such circumstances, if a proper representation is made to the 1st respondent, the same shall be considered, if necessary after conducting a site inspection. If the finding is in favour of the petitioner the Local Level Monitoring Committee shall pass orders in accordance with law, as has been stated in the aforecited judgment. It is made clear that this Court has not made any observation on merits.

The writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge