

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 18131 of 2015 (N)

PETITIONER(S) :

- 1. RAJAN FREDERIC
PARAYIL HOUSE, CHILAVANNOOR ROAD, KADAVANTHARA
KOCHI - 682 020.**
- 2. ANSY RAJAN,
PARAYIL HOUSE, CHILAVANNOOR ROAD, KADAVANTHARA
KOCHI - 682 020.**
- 3. RINSA SUSAN PHILIP,
PARAYIL HOUSE, CHILAVANNOOR ROAD, KADAVANTHRA
KOCHI 682 020
REPRESENTED BY POWER OF ATTORNEY HOLDER SRI.K.T.ANILKUMAR
SOPANAM - KONOTTU HOUSE, SAFDAR HASHMI LANE
VYTTILA P.O., KOCHI 682 019.**
- 4. THOMAS GEORGE FREDERIC
PARAYIL HOUSE, CHILAVANNOOR ROAD, KADAVANTHRA
KOCHI - 682 020
REPRESENTED BY POWER OF ATTORNEY HOLDER SRI.K.T.ANILKUMAR
SOPANAM - KONOTTU HOUSE, SAFDAR HASHMI LANE
VYTTILA P.O., KOCHI 682 019.**
- 5. FRANCIS GEORGE FREDERIC,
PARAYIL HOUSE, CHILAVANNOOR ROAD, KADAVANTHRA
KOCHI 682 020
REPRESENTED BY POWER OF ATTORNEY HOLDER SRI.K.T.ANILKUMAR
SOPANAM - KONOTTU HOUSE, SAFDAR HASHMI LANE
VYTTILA P.O., KOCHI 682 019.**

**BY ADVS.SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SRI.C.N.SREEKUMAR**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
ERNAKULAM, PIN: 682 030.**
- 2. THE CONVENER/AGRICULTURAL OFFICER
LOCAL LEVEL MONITORING COMMITTEE, KRISHI BHAVAN
MARADU, KOCHI - 682 304.**

R1 & R2 BY GOVT. PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...3/-

WP(C).No. 18131 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: TRUE COPY OF BUILDING PERMIT DATED 18/7/2006 ISSUED BY
MARADU GRAMA PANCHAYAT.**
- EXT. P2: TRUE COPY OF THE RELEVANT EXTRACT OF THE DRAFT DATA BANK
PREPARED BY THE 2ND RESPONDENT IN 2010.**
- EXT. P3: TRUE COPY OF THE RELEVANT EXTRACT OF THE NOTIFICATION
DATED 6/3/2010 PUBLISHED BY THE GOVERNMENT.**
- EXT. P4: TRUE COPY OF THE REPORT DATED 1/8/2013 SUBMITTED BY THE
ADDL. TAHSILDAR, KANAYANNUR.**
- EXT. P5: TRUE COPY OF THE RELEVANT EXTRACT OF THE DRAFT DATA BANK
PREPARED BY THE 2ND RESPONDENT IN 2013.**
- EXT. P6: TRUE COPY OF THE REPRESENTATION DATED 21/5/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P.(C) No. 18131 of 2015 (N)

Dated this the 24th day of June, 2015

J U D G M E N T

The petitioners are the absolute owners in possession of land comprised in of 2.7909 hectares of land in Re-Survey Nos.416/2, 439/1, 439/2, 452/1 and 452/2 in Block No.13 of Maradu Village, Kanayannur Taluk, Ernakulam. The petitioners are 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 'nilam'. The petitioners contend that the land was reclaimed decades back before the commencement of the Act of 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.P6 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 tune with 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.P6 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