

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 18587 of 2015 (W)

PETITIONER :

**MUHAMMED, AGED 38 YEARS,
S/O.KUNHABDULLA, THEKKEYIL VADAKARA TALUK,
AYANCHERY VILLAGE, KUNINGAD, PONMERIPARAMPU P.O.,
KOZHIKODE DISTRICT-673 542.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR, KOZHIKODE DISTRICT,
CIVIL STATION, KOZHIKODE DISTRICT-673 001.**
- 2. THE VILLAGE OFFICER,
CHEVAYUR VILLAGE, KOZHIKODE DISTRICT-673 004.**
- 3. THE AGRICULTURAL OFFICER,
(CONVENER LOCAL LEVEL MONITORING COMMITTEE)
KOZHIKODE CORPORATION LIMIT, KOZHIKODE-673 001.**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF THE RECEIPT L.NO.0059065 DATED 13-11-2014 FOR PAYMENT OF LAND TAX IN THE NAME OF THE PETITIONER AND THE CO-OWNER MUHAMMED RAFI.

P2 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, CHEVAYUR VILLAGE DATED NIL.

P3 : TRUE COPY OF THE APPLICATION DATED 20-5-2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J

W.P(C) No. 18587 of 2015

Dated this the 29th day of June, 2015

J U D G M E N T

The petitioner along with the co-owner is the owner in possession of 10.089 Ares of landed property lying in resurvey Nos.279/13 and 278/2C of Chevayur Village, Kozhikode Taluk, Kozhikode District by No.3355/1/14 dated 20.09.2014 of the Sub Registry, Chevayur, produced at Ext.P1. The petitioner contends that 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 fit 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 Committee, the 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 application before the authorities under the Act of 2008.

In such circumstances, if Ext.P3 is received in original with the respondent, 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)

jma

//true copy//

P.A to Judge