

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 19057 of 2015 (F)

PETITIONER(S):

**NOUSHAD, AGED 42 YEARS,
S/O.ADIMAKKUNJI, VALIYAKATH HOUSE,
VELLANCHIRA P.O., THRISSUR- 680 697.**

**BY ADVS.SRI.AVANEESH KOYIKKARA,
SRI.LINDONS C.DAVIS.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENER,
AGRICULTURAL OFFICER, KRISHI BHAVAN,
ALLOOR, THAZHEKKAD P.O., THRISSUR DISTRICT- 680 683.**
- 3. AGRICULTURAL OFFICER,
KRISHI BHAVAN, ALLOOR, THAZHEKKAD P.O.,
THRISSUR DISTRICT- 680 683.**

BY GOVT.PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 19057 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF LETTER DATED 10.06.2015 ALONG WITH RELEVANT PAGE OF DRAFT DATA BANK REGISTER ISSUED BY THE 3RD RESPONDENT.
- P2- TRUE COPY OF APPLICATION DATED 04.12.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

W.P(C). No.19057 of 2015

Dated this the 02nd day of July, 2015.

JUDGMENT

The petitioner is the absolute owner of the property having an extent of 70.71 Ares comprised in Aloor Village in Thrissur District. The petitioner contends that the said land is a 'garden land', but the same was wrongly included as 'paddy land' in the Data Bank prepared in terms of the Kerala Conservation of Paddy Lands and Wet Lands Act, 2008 (for brevity, Act of 2008). However, since the property has already been included in the Data Bank prepared in terms of the Act of 2008, the petitioner would have to approach the Local Level Monitoring Committee, the 2nd 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.P2 application

before the authorities under the Act of 2008.

In such circumstances, if Ext.P2 is received in original with the 2nd 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

sp