

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 19572 of 2014 (V)

PETITIONER

**BENNY P.K AGED 45 YEARS,
S/O.PAILEE, MUNDAN PUTHUSSERY, NAYATHODE P.O.
CHETHIKODE
ANGAMALY. REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
MR.SIMON.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. VILLAGE OFFICER ANGAMALY
ANGAMALY P.O., ERNAKULAM-683572.**
- 3. AGRICULTURAL OFFICER ANGAMALY
ANGAMALY P.O., ERNAKULAM 683572.**
- 4. TAHSILDAR
ALUVATALUK OFFICE, ERNAKULAM 683101.**
- 5. ADDL TAHSILDAR
ALUVATALUK OFFICE, ERNAKULAM 683101.**
- 6. ANGAMALY MUNICIPAL CORPORATION
ANGAMALY P.O., ERNAKULAM 683572
REPRESENTED BY ITS SECRETARY.**

**7. THE REVENUE DIVISIONAL OFFICER
ALUVA, ERNAKULAM 683101.**

**8. THE DISTRICT COLLECTOR
ERNAKULAM, 682030.**

**R6 BY ADV. SRI.V.MKURIAN, SC, ANGAMALY MUNICIPALITY
R4 BY ADV. GOVERNMENT PLEADER SRI. P.K SOYUZ**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: A TRUE COPY OF TAX RECEIPT DATED 03.08.2013.

EXHIBIT-P2: THE PHOTOGRAPHS EVIDENCING THE NATURE OF LAND
MENTIONED IN EXHIBIT-P1.

EXHIBIT-P3: A TRUE PHOTOCOPY OF THE APPLICATION MADE BY THE
PETITIONER TO THE 1ST RESPONDENT DATED 28.02.2013.

EXHIBIT-P4: COPY OF COMMUNICATION DATED 04.05.2013 TO THE 2ND
RESPONDENT.

EXHIBIT-P5: COPY OF COMMUNICATION DATED 04.05.2013 TO THE 3RD
RESPONDENT.

EXHIBIT-P6: A TRUE COPY OF THE REPORT FROM THE 2ND RESPONDENT.

EXHIBIT-P7: A TRUE COPY OF THE REPORT ISSUED BY THE 3RD RESPONDENT
TO THE 6TH RESPONDENT.

EXHIBIT-P8: TRUE COPY OF THE PROVISIONAL ORDER DATED 25.05.2013.

EXHIBIT-P9: TRUE COPY OF THE NOTICE DATED 25.05.2013.

EXHIBIT-P10: TRUE COPY OF THE REPRESENTATION PREFERRED TO THE 4TH
RESPONDENT.

EXHIBIT-P11: TRUE COPY OF WRITTEN EXPLANATION DATED 29.05.2013
PREFERRED BY THE PETITIONER AGAINST EXHIBIT-P8 AND
EXHIBIT-P9.

EXHIBIT-P12: TRUE COPY OF THE JUDGMENT DATED 25.04.2014 IN W.P.(C)
NO.11570/2014.

EXHIBIT-P13: TRUE COPY OF THE REPRESENTATION DATED 03.06.2014.

EXHIBIT-P14: TRUE COPY OF THE ORDER OF THE TAHSILDAR DATED 07.06.2014.

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

P.R. RAMACHANDRA MENON,J

.....
W.P.(C) No.19572 OF 2014

.....
Dated this the 1st day of April, 2015.

J U D G M E N T

The case of the petitioner is that the property belonging to the petitioner situated in Sy.No.273/10-2 of Angamaly Village of Aluva Taluk of Ernakulam District, covered by Ext.P1 is not a paddy land or wet land as defined under Kerala Conservation of Paddy Land and Wetland Act, 2008. The nature of property is also sought to be established with reference to Ext.P2 photographs. The property came to be included in the draft data bank register as a paddy land.

2. The case of the petitioner is also sought to be highlighted with reference to the reports submitted by various authorities, copies of which have already produced along with the writ petition. The petitioner has already

moved the Local Level Monitoring Committee by filing necessary application for deleting the entry from the data bank register . The prayer is to cause the same to be considered and disposed of within a specified time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the third respondent who is the convenor of Local Level Monitoring Committee, to cause the application if any, to be placed before Local Level Monitoring Committee, who shall conduct a spot inspection with notice to the petitioner and pass appropriate orders in accordance with law, after hearing the petitioner and also in the light of the observations made by the Division Bench of this Court as per the verdict reported in **Adani Infrastructure and Developers Pvt. Ltd. vs. State of Kerala (2015 (1) KLT 651)**. The proceedings as above shall be completed at the earliest, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

smm

