

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 20022 of 2015 (C)

PETITIONER(S):

**T.V.RAVINDRAN,
KRISHNALAYAM, THEKKEVALAPPIL, ERANJIPALAM P.O.
KAKKODI, KOZHIKODE DISTRICT-673611.**

**BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

RESPONDENT(S):

- 1. THE CHAIRMAN, DISTRICT LEVEL AUTHORISED COMMITTEE
& REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
CIVIL STATION, KOZHIKODE-673 020.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, KOZHIKODE-673 020.**
- 3. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 4. THE KAKKODI GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, KAKKODI P.O.,
KOZHIKODE-673 611.**
- 5. THE SECRETARY,
KAKKODI GRAMA PANCHAYAT, KAKKODI P.O.,
KOZHIKODE-673 611.**

**R1-R3 BY SENIOR GOVERNMENT PLEADER SRI.P.K.SOYUZ
R4&R5 BY ADVS. SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 20022 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 : TRUE COPY OF THE SALE DEED NO.475/2004 DT.29-1-2004 OF THE KAKKODI
SUB REGISTRY.**

**EXT.P2 : TRUE COPY OF THE PURCHASE CERTIFICATE DT.11-1-05 ISSUED BY THE
LAND TRIBUNAL, KOZHIKODE.**

**EXT.P3 : TRUE COPY OF THE REJECTION ORDER DT.9-10-2012 ISSUED BY
5TH RESPONDENT**

**EXT.P4 : TRUE COPY OF THE PROCEEDINGS DT.22-4-13 ISSUED BY THE
1ST RESPONDENT.**

**EXT.P5 : TRUE COPY OF THE COMMUNICATION DT.10-2-14 FORWARDED BY
2ND RESPONDENT TO THE COMMISSIONER, AGRICULTURAL (NCA)
DEPARTMENT.**

EXT.P6 : TRUE COPY OF THE JUDGMENT DT.8-5-2015 IN WPC 13754/2015.

**EXT.P7 : TRUE COPY OF THE ORDER NO.L10-2013/32334/11 DT.13-1-2015 ISSUED BY
THE R2.**

**EXT.P8 : TRUE COPY OF THE PHOTOGRAPHS SHOWING THE RESIDENTIAL HOUSE
OF THE PETITIONER AND THE ADJACENT HOUSED.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No. 20022/2015**  
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Dated this the 23rd Day of September, 2015

J U D G M E N T

The petitioner aggrieved by an order passed by the Statutory Authority under the Act 28 of 2008 has approached this Court.

2. The petitioner constructed a residential building in a land situated in re-survey No. 64/2 of Kakkodi Village, Kozhikode Taluk, Kozhikode District. His case is that the land in question is a converted land much before the enactment of the Act 28 of 2008.

2. This Court is of the view that the petitioner has to approach the Local Level Monitoring Committee to correct the entry in the Draft Data Bank.

3. It is submitted by the learned Government Pleader that the above land is classified as *nilam* in the Draft Data Bank.

4. In the above circumstances, this Court find that there is no infirmity in the order impugned. However, considering the facts and circumstances, this Court is of the view that this is a matter to be acted upon by the Local Level Monitoring Committee. If the land is converted much before and the enactment of the Act 28 of 2008, necessarily, that has

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to be corrected in the Draft Data Bank. The Local Level Monitoring Committee shall conduct a site inspection and shall assess whether the land was converted before the enactment of the Act 28 of 2008. If it is found that it is converted before the enactment of the Act 28 of 2008, necessarily, corresponding changes shall be made in the Draft Data Bank. If it is corrected, the impugned order shall be recalled. The Local Level Monitoring Committee shall also find out the lie of the nearby properties and shall also find out whether there are any buildings in and around the property of the petitioner. Notice of inspection shall be given to the petitioner as well as the Village Officer. The petitioner shall approach the Local Level Monitoring Committee within a period of two weeks from the date of receipt of a copy of this judgment. Therefore, appropriate decision shall be taken by the Local Level Monitoring Committee within two months from the date of receipt of the application. Till a decision is taken as above, *status quo* as on today shall be maintained.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

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