

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 21445 of 2015 (E)

PETITIONER:

**VOLTER ,
MALIAKKAL HOUSE, EDAPALLY P.O, ERNAKULAM 682 024.**

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

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.**
- 2. LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CONVENER, AGRICULTURAL OFFICER,
KRISHI BHAVAN, ALANGAD P.O- 683 511.**
- 3. AGRICULTURAL OFFICER,
KRISHI BHAVAN, ALANGAD-683 511.**

R1 TO R3 BY GOVERNMENT PLEADER SMT.C.K.SHERINE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 21445 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. TRUE COPY OF THE LETTER DATED 23.6.15 ALONG WITH RELEVANT PAGE
OF DRAFT DATA BANK REGISTER ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P2.TRUE COPY OF THE APPLICATION DATED 4.1.15 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

SMJ

P.S.TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.21445 of 2015

Dated this the 23rd day of July, 2015.

JUDGMENT

The petitioner is the absolute owner in possession of a property having an extent of 1.21 Ares comprised in Resurvey No.75/3 of Alangad Village, Ernakulam District. The petitioner contends that the said land is a 'garden land', but the same was wrongly included as 'paddy land' in the Draft Data Bank prepared in terms of the Kerala Conservation of Paddy Lands and Wet Lands Act, 2008 (for brevity, Act of 2008). The petitioner contends that the land of the petitioner is not suitable for cultivation and that the adjacent lands are not paddy lands. 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 2nd 4th 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