

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 22522 of 2015 (M)

PETITIONER(S) :

**C.V.JOLLY,
CHAMAKKATTU VAZHAPPALLIL VEEDU, ADOOR,
PATHANAMTHITTA DISTRICT.**

**BY DR.K.P.SATHEESAN (SENIOR ADVOCATE)
ADVS. SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN**

RESPONDENT(S) :

**1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**

**2. THE DISTRICT COLLECTOR,
PATHANAMTHITTA, COLLECTORATE, PATHANAMTHITTA- 689 645.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 22522 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE SALE DEED IN FAVOUR OF THE PETITIONER
DATED 08.11.2010.**

**EXHIBIT P2: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY
THE VILLAGE OFFICER, PERINGANAD DATED 03.07.2012.**

**EXHIBIT P3: TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE
OFFICER, PERINGANAND DATED 25.06.2014.**

**EXHIBIT P4: TRUE COPY OF THE ORDER NO.C4/2333/2015 DATED 06.06.2015
PASSED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 22522 of 2015

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner approached this Court aggrieved by an order of restoration issued by the District Collector under the Act 28 of 2008. According to the petitioner the land in question is a converted land much before the Act 28 of 2008 and therefore Ext.P4 order is illegal.

2. As seen from the impugned order the land in question is included in the drat data bank. This Court is of the view that in such a circumstances, there is no infirmity with the order unless the draft data bank is corrected in accordance with law. Therefore the following directions are issued.

The petitioner shall approach the Local Level Monitoring Committee within 2 weeks from the date of receipt of the copy of this judgment. The local level monitoring Committee shall find out whether the land in question can be classified as ' Paddy or Nilam' as on the date of enactment of the Act 28 of 2008. If it cannot be

classified as 'Paddy or Nilam' on the date of enactment of the Act 28 of 2008 necessary corresponding change shall be effected. Needful shall be done within a further period of two months after notice to the petitioner. If the Local Level Monitoring Committee finds that it cannot be treated as 'Paddy or Nilam', necessarily Ext.P4 shall be revoked by the District Collector. The implementation of Ext.P4 would depend upon the outcome of the decision of the Local Level Monitoring Committee. In view of the above, status quo shall be maintained till the decision is taken by the Local Level Monitoring Committee.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE