

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 22618 of 2015 (B)

PETITIONER(S):

**SUNI GEORGE, AGED 35 YEARS,
W/O.GEORGE PAUL ANTHRAPER, RESIDING AT NO.10258,
PRESTIGE, KESINGTON GARDENS, 17 HMT MN ROAD,
JALAHALLI, BANGALORE - 560 013.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S):

- 1. STATE OF KERALA,
DEPARTMENT OF REVENUE, REPRESENTED BY ITS SECRETARY,
GOVERNMENT SECRETARIAT ANNEX, TRIVANDRUM - 695 001.**
- 2. CONVENER,
LOCAL LEVEL MONITORING COMMITTEE, MARADU VILLAGE,
ERNAKULAM, COCHIN - 682 040.**

*** ADDITIONAL R3 IMPEADED**

- 3. LOCAL LEVEL MONITORING COMMITTEE,
MARADU, ERNAKULAM, COCHIN - 682 040.**

*** ADDITIONAL R3 IMPEADED AS PER ORDER DTD.11.8.2015 IN IA.11204/2015.**

BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 22618 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: THE TRUE COPY OF THE SALE DEED BEARING NO.2905/2012 OF
MARADU, SRO.**

**EXT.P-2: TRUE COPY OF THE PHOTOGRAPHS DOWN LOADED FROM GOOGLE
EARTH MAP PERTAINING TO THIS PROPERTY DATED 6.1.2007.**

**EXT.P-3: PHOTOGRAPHS DOWN LOADED FROM GOOGLE EARTH MAP PERTAINING
TO THIS PROPERTY DATED 6.1.2008.**

**EXT.P-4: TRUE COPY OF THE DATA BANK REGISTER PREPARED BY THE 2ND
RESPONDENT PERTAINING TO THE PETITIONER'S PROPERTY..**

**EXT.P-5: THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 9.7.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

K. Vinod Chandran, J

W.P.(C).No.22618 of 2015-B

Dated this the 11th day of August, 2015

JUDGMENT

The petitioner in the above writ petition contends that the property of the petitioner in Re-survey Nos.131/2 and 132/3 in Re-survey Block No.13 of Maradu Village was obtained by the petitioner along with her twin sister Sumi Jimmy by Sale Deed No.2905/2012 of the S.R.O., Maradu, produced at Ext.P1. According to her, the area is earmarked as 'mixed zone', viz., residential and commercial. Though the property is said to have been converted about 20 years back, the same is described as 'Nilam' in the Data Bank prepared in terms of Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for brevity, Act of 2008). The petitioner contends that the land of the petitioner is not fit for cultivation and the adjacent lands have been filled up and constructions made thereon.

2. 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 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].

3. The petitioner is also said to have filed Ext.P5 request before the authorities under the Act of 2008.

4. In such circumstances, if Ext.P5 is received in original with the 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 afore-cited 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.

vku/-

[true copy]