

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 22906 of 2015 (K)

PETITIONER(S):

**K.K.JOHNY,
KOIKKARA HOUSE, KAKKANAD P.O., PALACHUVADU,
ERNAKULAM.**

BY ADV. SRI.JELSON J.EDAMPADAM

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE LOCAL LEVEL MONITORING COMMITTEE ,
THRIKKAKARA MUNICIPALITY,
REPRESENTED BY ITS CONVENOR, AGRICULTURAL OFFICER,
KRISHI BHAVAN, THRIKKAKARA-682 030.**
- 3. THE CONVENER,
LOCAL LEVEL MONITORING COMMITTEE,
THRIKKAKARA MUNICIPALITY, KRISHI BHAVAN,
THRIKKAKARA-682 030.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 22906 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE TAX RECEIPT ISSUED BY THE VAZHAKKALA VILLAGE.

**P2 : COPY OF THE TAX RECEIPT ISSUED BY THE THRIKKAKARA GRAMA PANCHAYAT
EVIDENCING THE PAYMENT OF TAX IN THE YEAR 2006.**

**P3 : COPY OF THE WATER METER CARD ISSUED BY THE KERALA WATER
AUTHORITY, EVIDENCING THE DATE OF CONNECTION AS 27.8.2003.**

**P4 : COPY OF THE LATEST BUILDING TAX RECEIPT ISSUED BY THE THRIKKAKARA
MUNICIPALITY.**

**P5 : COPY OF THE APPLICATION FILED BY THE PETITIONER UNDER SECTION 4(2)(B)
OF THE KERALA CONSERVATION OF WET LAND AND PADDY LAND ACT, 2008
BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.

W.P(C). No.22906 of 2015

Dated this the 29th day of July, 2015.

JUDGMENT

The petitioner is the absolute owner in possession of 20 cents[0.07 Ares] of land comprised in Survey No.120/5 in Block No.9 of Vazhakkala Village. The petitioner is aggrieved with the fact that the said property has been wrongly included as 'Nilam' in the Revenue Records prepared in terms of Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for brevity, Act of 2008). The petitioner contends that there is no paddy cultivation anywhere in the locality and it is also contended that there is a residential building and large trees in the said property. 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 Draft 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.P5 application before the authorities under the Act of 2008.

In such circumstances, if Ext.P5 is received in original by the 2nd respondent, the same shall be considered, after conducting a physical 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 a period of one month from the date of production of the certified copy of this judgment.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

sp