

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23213 of 2015 (B)

PETITIONER(S) :

**L.R. SASIKUMAR,
S/O.VELAYUDAVILASOM VEETIL RAGHAVA MENON,
EDAPPALLY VADAKKUMBHAGAM VILLAGE, CHERANALLOOR,
NOW RESIDING AT 'PERAMANA', BOAT JETTY ROAD,
VADUTHALA P.O., KOCHI -682 023.**

**BY ADVS.SRI.M.H.HANIL KUMAR
SMT.M.R.JAYALATHA
SRI.M.R.DHANIL**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 2. THE LOCAL LEVEL MONITORING COMMITTEE,
REP. BY ITS CONVENER AND AGRICULTURE OFFICER,
CHERANALLOOR PANCHAYATH, ERNAKULAM DISTRICT-682 027.**
- 3. AGRICULTURE OFFICER,
KRISHI BHAVAN, CHERANALLOOR PANCHAYATH,
ERNAKULAM DISTRICT - 682 027.**
- 4. THE VILLAGE OFFICER,
CHERANALLOOR VILLAGE OFFICE,
ERNAKULAM DISTRICT-682 027**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE REGISTERED DOCUMENT BEARING NO.53/91
DATED 24.10.1991.**
- P2: A TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY
THE 4TH RESPONDENT DATED 24.06.2015.**
- P3: A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY
THE VILLAGE OFFICER DATED 30.07.2015.**
- P4: A TRUE COPY OF THE RELEVANT PAGE BASIC TAX REGISTER ISSUED BY
THE VILLAGE OFFICER, CHERANELLUR.**
- P5: A TRUE COPY OF THE PHOTOGRAPHS SHOWING THE LIE AND NATURE
OF THE PROPERTY OF THE PETITIONER.**
- P6: A TRUE COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK ISSUED
BY THE AGRICULTURAL OFFICER CHERANELLUR.**
- P7: A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO
THE 2ND RESPONDENT.**
- P8: A TRUE COPY OF THE FAIR VALUE OF LAND PREPARED BY
THE DEPARTMENT OF REGISTRATION.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 23213 of 2015 B

Dated this the 07th day of August, 2015

J U D G M E N T

The petitioner in the above writ petition contends that the property of the petitioner in Survey No.462/8 of Cheranalloor Village in Ernakulam District was obtained by the petitioner by Ext.P1. The petitioner is aggrieved with the fact that the petitioner is not being issued with a building permit, since the property has been included in the draft 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. 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].

2. The petitioner is also said to have filed Ext.P7 application before the 2nd respondent under the Act of 2008.

In such circumstances, if Ext.P7 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 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)

jma

//true copy//

P.A to Judge