

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 23277 of 2015 (H)

PETITIONER(S):

**HAMZA N., AGED 56 YEARS,
S/O.ABDULLA, MANKARATHODI HOUSE, KIZHAKKETHALA,
DOWN HILL P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.ABDUL JAWAD
SRI.ABDUL MAJEED.N
SMT.V.K.ANJU**

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT-676 505.**
- 2. DISTRICT COLLECTOR, MALAPPURAM-676 505.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 23277 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1-TRUE COPY OF THE ORDER NO.BA.-46/13-14, DATED 30-01-2014 ISSUED BY THE
SECRETARY, MALAPPURAM MUNICIPALITY.**

**P2- TRUE COPY OF THE REPORT DATED 4-11-2013 BY THE AGRICULTURAL FIELD
OFFICER, MALAPPURAM.**

**P3-TRUE COPY OF THE APPLICATION DATED 22-07-2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 23277 of 2015

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Dated this the 10th day of September, 2015

J U D G M E N T

The petitioner approached the Revenue Divisional Officer by Ext.P3 under clause 6 of the Land Utilisation Order. The petitioner submits that the land is not included as a paddy or wet land in the draft data bank.

2. Now it is submitted by the Special Government Pleader on instruction that the land is included as a paddy in the draft data bank. In that view of the matter, this Court is of the view that the petitioner's remedy is to approach local level monitoring committee to correct the entry relating to the land. If the petitioner approaches the local level monitoring committee within 2 weeks from the date of receipt of the copy of this judgment, the same shall be considered within 2 months after issuing notice to the petitioner. The local level monitoring committee shall conduct a site inspection in the presence of the petitioner and find out whether the land can be classified as a paddy or wet land as on the date of the enactment

of Act 28 of 2008. If the same cannot be treated as paddy as on the date of the enactment of Act 28 of 2008, necessary corresponding change shall be effected in the draft data bank.

3. If entries corrected, it will open for the petitioner to approach the Revenue Divisional Officer under clause 6 of the Land Utilization Order. In that event, application shall be considered in terms of clause 6.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE