

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 23302 of 2015 (K)

PETITIONER(S):

**SUDHEERA, AGED 48 YEARS,
W/O.MURALEEDHARAN, GARNET 4,
GREEN LEAVES VILLA, NARUKARA P.O.,
MANJERI, MALAPPURAM DISTRICT.**

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

RESPONDENT(S):

**THE LOCAL LEVEL MONITORING COMMITTEE
FOR THE KOZHIKODE CORPORATION,
REPRESENTED BY ITS CONVENOR,
(THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
KOZHIKODE-673 020.**

BY GOVT. PLEADER SRI.P.K. SOYUZ.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 23302 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PHOTOGRAPH OF THE PETITIONER'S LAND.**
- EXT.P2 COPY OF THE REPORT DATED 17/10/2014 OF THE VILLAGE OFFICER,
CHEVAYOOR.**
- EXT.P3 COPY OF THE APPLICATION DATED 24/07/2015 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.A. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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W.P.(C) No.23302 of 2015 - K

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Dated this the 3rd day of August, 2015

J U D G M E N T

The petitioner is the absolute owner in possession of a property having an extent of 22.11 cents of land in Re.Sy. No.261/2A of Chevayoor Village in Kozhikode District, as evidenced from Ext.P1 photographs of the said land. The petitioner is aggrieved with the fact that the petitioner's property stands wrongfully included in the Data Bank prepared by the 1st respondent as provided under Section 5(4) of the 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 suitable 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 1st 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.P3 request before the authorities under the Act of 2008. In such circumstances, if Ext.P3 is received in original, 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**

SB

// true copy //

P.A to Judge.