

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. 23518 of 2015 (L)

PETITIONER :

**JAMES,
S/O.LONAPPAN
PAZHAYIDATH HOUSE, KARUVANNUR P.O, THRISSUR DISTRICT
REPRESENTED BY POWER OF ATTORNEY HOLDER M.C.VELAYUDHAN
S/O.KUNJANDI, MARIYATHODI HOUSE, PARITHIPRA
SHORNUR P.O., PALAKKAD, PIN - 679 121.**

**BY SENIOR ADVOCATE SRI.RENJITH THAMPAN
BY ADV. SMT.P.RREENA**

RESPONDENT :

**THE LOCAL LEVEL MONITORING COMMITTEE
REPRESENTED BY ITS CONVENER, AGRICULTURAL OFFICER
KRISHI BHAVAN, PORATHISSERY, P..KARUVANNUR
THRISSUR, PIN - 680 711.**

BY SR. GOVT. 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:**

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...2/-

WP(C).No. 23518 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE TAX RECEIPT ISSUED BY VILLAGE OFFICER,
PORATHISSERY DATED 23.04.2015.**
- EXT. P1(a) - TRUE COPY OF THE TAX RECEIPT ISSUED BY VILLAGE OFFICER,
PORATHISSERY DATED 23.4.2015.**
- EXT. P1(b) - TRUE COPY OF THE TAX RECEIPT ISSUED BY VILLAGE OFFICER,
PORATHISSERY DATED 28.04.2015.**
- EXT. P2 - TRUE COPY OF THE PROJECT REPORT FOR FISH/PRAWN CULTURE
DATED 16.08.2013.**
- EXT. P3 - TRUE COPY OF DRAFT DATA BANK PREPARED BY KRISHI BHAVAN IN
PORATHISSERY VILLAGE.**
- EXT. P4 - TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE
THE RESPONDENT DATED 25.07.2015**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.23518 of 2015 - L

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Dated this the 11th 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 11 acres 97 and $\frac{3}{4}$ cents of land in Sy.No.66, 88, 93, 94, 96, 101, 102, 111, 112 and 113 of Porathissry village as evidenced from Exts.P1, P1(a) and P1(b), copies of the Basic Tax Register issued by the Village Officer Porathissery dated 23.04.2014 and 28.04.2015. 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.P4 request before the authorities under the Act of 2008. In such circumstances, if Ext.P4 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.