

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 24240 of 2015 (D)

PETITIONER:

A.A.MAHIN, AGED 51 YEARS
(CHAIRMAN, STANDING COMMITTEE FOR DEVELOPMENT
EDATHALA GRAMA PANCHAYATH, ANJILIMOOTIL HOUSE
EDATHALA, WARD NO.18, NOCHIMA.P.O.ALUVA
KERALA.

BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
ERNAKULAM-682035.
2. THE SECRETARY,
EDATHALA GRAMA PANCHAYATH, EDATHALA-682030.
3. M.H.MUHAMED ALI, AGED 46 YEARS
S/O HYDROSE, MUKALARKUDI HOUSE, EDATHALA.P.O
KUZHIVELIPALLI, ALUVA, ERNAKULAM DISTRICT
KERALA-682030.
4. M.H.ABDUL SALAM, AGED 44 YEARS
S/O.HYDROSE, MUKALARKUDI HOUSE, EDATHALA.P.O
KUZHIVELIPALLI, ALUVA, ERNAKULAM DIST.
KERALA-682030.

R3&4 BY ADV. SRI.P.CHANDRASEKHAR
R3&4 BY ADV. SRI.S.PRASANTH
R3&4 BY ADV. SRI.SOORAJ T.ELENJICKAL
R3&4 BY ADV. SMT.UMA
R3&4 BY ADV. SRI.K.NANDAKUMAR
R3&4 BY ADV. SMT.V.A.HARITHA
R3&4 BY ADV. SMT.P.M.MAZNA MANSOOR
R2 BY ADV. SRI.ANIL K.MOHAMMED
R BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 24240 of 2015 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 TRUE COPIES OF BTR IN RESPECT OF THE PROPERTIES IN SURVEY
NOS.402/3 OBTAINED FROM EDATHALA VILLAGE OFFICE.

P2 TRUE COPIES OF BTR IN RESPECT OF THE PROPERTIES IN SURVEY 416/10
OBTAINED FROM EDATHALA VILALGE OFFICE.

P3 A TRUE COPY OF THE DRAFT DATA BANK PREPARED BY THE VILLAGE
OFFICER IN RESEPCT OF THE PROPERTY IN SURVEY NO.416/10.

P4 A TRUE COPY OF THE REPRESENTATION DATED 10/7/2015 SUBMITTED BY
THE EDATHALA GRAMA PANCHAYATH.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 24240 of 2015

Dated this the 16th day of September, 2015.

JUDGMENT

The petitioner alleging illegal conversion of paddy land by the fourth respondent, has approached this Court.

2. The petitioner's case is that by practicing fraud, it is understood that a portion of the land referred in Sy.No.416/10 was got recorded as "land converted in 2005" in Draft Data Bank. It is also submitted that by virtue of the above entry, the petitioner has obtained a permit from the Local Authorities as per the order from the Local Self Government Institutions. Therefore, the petitioner seeks a direction to respondents 1 and 2 to take appropriate action against the illegal conversion of paddy field.

3. The petitioner's remedy is to approach the Local Level Monitoring Committee to include the land referred as above as a paddy land or wet land in the draft Data Bank. The petitioner cannot seek a direction from this Court to take

action against the fourth respondent for the violation of the Act, 28/2008, for the reason that in the draft Data Bank itself the land is shown as the converted land.

4. Further, if any permit is issued for constructing the building, the petitioner has to challenge that permit. If any construction is being undertaken based on a valid legal permit, without there being a challenge regarding the permit, the petitioner cannot approach this Court seeking a direction to take action against the construction.

Therefore, there is no merit in this writ petition. However, the petitioner shall be at liberty to approach the Local Level Monitoring Committee for the inclusion of the land in accordance with the law in the draft Data Bank. The writ petition is dismissed with the above observations.

**Sd/-
A. MUHAMED MUSTAQUE
JUDGE**

Scl.