

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937**

**WP(C).No. 28018 of 2012 (B)**  
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**PETITIONER(S) :**  
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1. LALITHA,  
D/O.MANITHARA MADHATHIL RAJAN, LAKSHMI MANDHIRAM,  
THEKKEKARA ROAD, MANAVALASSERY VILLAGE,  
IRINJALAKUDA DESOM, MUKUNDAPURAM TALUK.
2. PADMA,  
W/O.NADUVATHRA MADATHIL HARIHARAN, LAKSHMI MANDHIRAM,  
THEKKEKARA ROAD, MANAVALASSERY VILLAGE,  
IRINJALAKUDA DESOM, MUKUNDAPURAM TALUK.

**BY ADV. SRI.T.N.MANOJ**

**RESPONDENT(S):**  
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1. THE DISTRICT COLLECTOR,  
THRISSUR - 686 001.
2. THA TAHSILDAR,  
MUKUNDAPURAM TALUK, MUKUNDAPURAM,  
IRINJALAKUDA - 680 121.
3. THE VILLAGE OFFICER,  
VADAKKUMKARA VILLAGE OFFICE, IRINJALAKUDA VIA,  
THRISSUR DISTRICT - 680 121.
4. THE PRINCIPAL AGRICULTURAL OFFICER,  
O/O. THE DEPUTY DIRECTOR OF AGRICULTURE, (WM),  
THRISSUR - 20.

**BY GOVERNMENT PLEADER SRI.GIKKU JACOB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**

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**EXHIBIT P1: TRUE COPY OF THE ASSIGNMENT DEED NO.1443/1995.**

**EXHIBIT P2: TRUE COPY OF THE SETTLEMENT DEED NO.1153/2012.**

**EXHIBIT P3: TRUE COPY OF THE PHOTOGRAPH.**

**EXHIBIT P3(A):TRUE COPY OF THE PHOTOGRAPH.**

**EXHIBIT P4: TRUE COPY OF THE PHOTOGRAPHS.**

**EXHIBIT P4(A): TRUE COPY OF THE PHOTOGRAPHS.**

**EXHIBIT P5: TRUE COPY OF THE PETITION FILED BEFORE  
THE 1ST RESPONDENT.**

**EXHIBIT P6: TRUE COPY OF THE REPLY GIVEN BY THE 1ST RESPONDENT.**

**EXHIBIT P7: TRUE COPY OF THE REPLAY DATED 05.09.2012.**

**EXHIBIT P8: TRUE COPY OF THE PETITION DATED 03.09.2012.**

**EXHIBIT P9: TRUE COPY OF THE REPLY GIVEN TO 1ST PETITIONER BY  
THE 4TH RESPONDENT.**

**EXHIBIT P10: TRUE COPY OF THE REPLY GIVEN TO 2ND PETITIONER BY  
THE 4TH RESPONDENT.**

**EXHIBIT P11: TRUE COPY OF JUDGMENT DATED 13.07.2012 IN  
W.P.(C).NO.11784/2012 OF THIS HONOURABLE COURT.**

**EXHIBIT P11 IN I.A.NO.8612 OF 2015: TRUE COPY OF REPRESENTATION  
FILED BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P12: TRUE COPY OF THE RECEIPT NO.36382 DATED 09.06.2015.**

**RESPONDENT(S)' EXHIBITS :**

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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

**A.MUHAMED MUSTAQUE, J.**

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W.P.(C).No.28018 of 2012  
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Dated this the 8<sup>th</sup> day of December, 2015

**J U D G M E N T**  
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The petitioners are the owners of landed property comprised in Survey Nos.4325/4 and 325/4 of Vadakkumkara Village.

2. According to the petitioners, these are converted land much before the enactment of Act 28 of 2008. The petitioners have approached the revenue officials to effect the changes in the BTR as it cannot be treated as nilam or paddy land in the light of nature of land.

3. The learned Government Pleader on instructions would submit that the land is included as paddy land in the draft data bank and the draft data bank has not been finally notified so far.

4. Considering the facts and circumstances, this Court is of the view that if the petitioners approach the Local Level Monitoring committee, within two weeks from the date of receipt of a copy of this judgment, the Local Level Monitoring Committee shall conduct a site inspection and find out whether

the above property can be classified as paddy land as on the date of enactment of Act 28 of 2008. If it cannot be classified as paddy land, necessary correction shall be made in the draft data bank. Needful shall be done within a further period of six weeks after notice to the petitioners.

The writ petition is disposed of as above.

**sd/-**

**A.MUHAMED MUSTAQUE,  
JUDGE**

jm/