

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 27262 of 2015 (G)

PETITIONERS :

1. C. BABU, AGED 53 YEARS,
THADATHIVILA PUTHEN VEEDU, VENGOOR.P.O.- 691 530
KOTTARAKKARA TALUK, KOLLAM DISTRICT.
2. SUSAMMA BABU,
THADATHIVILA PUTHEN VEEDU, VENGOOR.P.O.- 691 530
KOTTARAKKARA TALUK, KOLLAM DISTRICT.

**BY ADVS.SRI.P.K.VIJAYAMOHANAN
SRI.GILBERT GEORGE CORREYA
SRI.NISHIL.P.S.**

RESPONDENTS :

1. THE AGRICULTURAL PRODUCTION,
COMMISSIONER & PRINCIPAL SECRETARY
AGRICULTURE (NCA) DEPARTMENT,
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT COLLECTOR,
CIVIL STATION, KOLLAM-691 013.
3. THE VILLAGE OFFICER
ELAMAD VILLAGE, ELAMAD.P.O. 691 533, KOLLAM DISTRICT.
4. THE LAMAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, ELAMAD.P.O. 691 533
KOLLAM DISTRICT.

R1 TO R3 BY GOVERNMENT PLEADER SRI.P.K. SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE ORDER NO.A.1446/2012 DATED 07.03.2012 OF THE
REVENUE DIVISIONAL OFFICER, KOLLAM.**
- P2: TRUE COPY OF THE ORDER NO.L10-70289/12 DATED 01.01.2015 OF THE
DISTRICT COLLECTOR-IN-CHARGE, KOLLAM.**
- P3: TRUE COPY OF THE REVISION PETITION DATED 02.02.2015 FILED BY THE
PETITIONERS BEFORE THE 1ST RESPONDENT.**
- P4: TRUE COPY OF THE ORDER G.O.(MS)NO.1339/2015/AGRI. DATED 05.08.2015
OF THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27262 of 2015

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Dated this the 23rd day of September, 2015

J U D G M E N T

The petitioners aggrieved by orders passed under the Act 28 of 2008, has approached this Court. Exts.P2 and P4 are the orders.

2. It is submitted by the learned Special Government Pleader that the land in question is included as 'Nilam or Paddy' in the draft data bank.

3. This Court is of the view that Exts. P2 and P4 cannot be interfered unless data bank is corrected in accordance with law. The petitioners have a case that the land in question is a converted land before the Act 28 of 2008. Therefore the petitioners shall approach the Local Level Monitoring Committee of competent jurisdiction to correct the entry related to the land. The request shall be made within two weeks from the date of receipt of the copy of this judgment. Thereafter the Local Level Monitoring Committee shall conduct an inspection to find out whether the land can be classified as 'Nilam or Paddy' on the date of enactment of the Act 28 of 2008.

The site inspection shall be conducted in the presence of the petitioners, after notice to the Village Officer as well. If it cannot be classified as 'Nilam or Paddy' land, appropriate action shall be taken to correct the draft data bank. If it is corrected, necessarily, the all proceedings based on Exts.P2 and P4 shall be dropped. However the Local Level Monitoring Committee refused to correct the data bank the respondents are free to implement Exts. P2 and P4 in accordance with law. Needful shall be done by the Local Level Monitoring Committee within a period of two months from the date of receipt of the application.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE