

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. 27433 of 2015 (D)  
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PETITIONER:  
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JOSEPH, AGED 47 YEARS,  
S/O. KURIAN, VELANKUNNEL HOUSE,  
MUDAPPALLUR P.O, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:  
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1. THE LOCAL LEVEL MONITORING COMMITTEE FOR VANDAZHI GRAMA PANCHAYAT, PALAKKAD CONSTITUTED UNDER THE CONSERVATION OF PADDY AND WET LAND ACT, REPRESENTED BY ITS CONVENOR, THE AGRICULTURAL OFFICER, VANDAZHI-II VILLAGE, PALAKKAD DISTRICT, PIN-678 706.
2. THE VILLAGE OFFICER, VANDAZHI-II VILLAGE, PALAKKAD, PIN-678 706.

R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) 'S EXHIBITS:

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EXHIBIT P1: TRUE COPY OF THE POSSESSION CERTIFICATE DATED FEBRUARY 24, 2015 ISSUED BY THE SECOND RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE REPORT OF THE SECOND RESPONDENT REGARDING THE PHYSICAL FEATURES OF THE PETITIONER'S PROPERTY.

EXHIBIT P3: TRUE COPY OF THE REPORT OF THE AGRICULTURAL OFFICER, VANDAZHI DATED 22.3.2015.

EXHIBIT P4: TRUE COPY OF THE LETTER DATED JUNE 22, 2015 OF THE ADDITIONAL TAHSILDAR, ALATHUR.

EXHIBIT P5: TRUE COPY OF THE LETTER DATED JULY 27, 2015 OF THE FIRST RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DATED 7.8.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

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TRUE COPY

PA TO JUDGE

Scl.

**A. MUHAMED MUSTAQUE, J.**

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W.P.(C) No. 27433 of 2015  
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Dated this the 16<sup>th</sup> day of September, 2015.

**JUDGMENT**

The petitioner is the owner in possession of the landed property in Sy.No.293/2 of block 47 of Vandazhi- II village in Palakkad District.

2. According to the petitioner, this is a converted land before the Act, 28/2008. However, it is submitted that it is erroneously included as 'Nilam' in the draft data bank. The petitioner approached the Local Level Monitoring Committee by Ext.P6 request to correct the entry relating to his property in the draft data bank.

3. This Court is of the view that the Local Level Monitoring Committee shall conduct a site inspection in order to find out that, whether the property can be classified as 'Nilam' as on the date of enactment of Act, 28/2008. If it cannot be classified as 'Nilam' as on the date of enactment of the Act, 28/2008, necessary changes shall be effected in the

draft data bank. Needful shall be done by the Committee within two months from the receipt of a copy of this judgment after notice to the petitioner. If the Local Level Monitoring Committee corrects the draft data bank, the petitioner is free to approach the second respondent for considering his request under Clause 6 of KLU Order. In that event, the second respondent shall consider the same within two months from the date of receipt of application along with the order from the Local Level Monitoring Committee.

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

Scl.