

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 27867 of 2015 (G)

PETITIONER(S) :

**JOSEPH JOSEPH, AGED 57 YEARS,
SON OF JOSEPH CHAKRAMAKKIL, REISING AT 44/2516,
CHETTIPPARAMBIL HOUSE, FREEDOM ROAD, KALOOR,
ERNAKULAM- 682 017.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
AYYANTHOLE, THRISSUR- 680 003.**
- 2. THE TAHSILDAR, KODUNGALLOOR TALUK,
THRISSUR DISTRICT- 680 664.**
- 3. THE VILLAGE OFFICER,
POYYA VILLAGE OFFICE, POYYA,
THRISSUR DISTRICT- 680 733.**
- 4. THE REVENUE DIVISIONAL OFFICER,
AYYANTHOLE, THRISSUR- 680 003.**
- 5. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, POYYA PO, THRISSUR DISTRICT- 680 733.**
- 6. THE LOCAL LEVEL MONITORING COMMITTEE,
(CONSTITUTED UNDER THE KERALA CONSERVATION OF PADDY
LAND AND WET LAND ACT, 2008),
REPRESENTED BY ITS CONVENOR (THE AGRICULTURAL OFFICER),
KRISHI BHAVAN, POYYA PO, THRISSUR DISTRICT- 680 733.**
- 7. THE SUB INSPECTOR OF POLICE,
MALA POLICE STATION, MALA, THRISSUR DISTRICT- 680 732.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE SALE DEED REGISTERED AS SALE DEED REGISTERED AS DOCUMENT NO.2099/2014 OF SRO MALA IN FAVOUR OF THE PETITIONER DATED 20.09.2014.**
- P2: TRUE COPY OF THE REPLY DATED 17.10.2013 ISSUED BY THE POYYA GRAMA PANCHAYAT CONFIRMING THAT THE PETITIONER'S PROPERTY IS NOT INCLUDED IN THE DATE BANK.**
- P3: TRUE COPY OF THE REQUEST FOR RECORDING CONVERSION OF THE LAND MADE BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 12.04.2015.**
- P4: TRUE COPY OF THE GOVERNMENT ORDER G.O(RT) NO.157/2002/AD DATED 05.02.2002 PROVIDING GUIDELINES FOR CONSIDERING AN APPLICATION FOR CONVERSION UNDER THE KLU ORDER.**
- P5: TRUE COPY OF THE JUDGMENT MADE IN WP(C) NO.15637/2015 DATED 27.05.2015.**
- P6: TRUE COPY OF THE COMMUNICATION DATED 09.06.2015 SENT ON BEHALF OF THE PETITIONER ADDRESSED TO THE 4TH RESPONDENT.**
- P7: TRUE COPY OF THE COMMUNICATION DATED 25.06.2015 ADDRESSED TO THE PETITIONER BY THE 4TH RESPONDENT.**
- P8: TRUE COPY OF THE REMINDER DATED 15.07.2015 ADDRESSED TO THE 4TH RESPONDENT BY THE 1ST RESPONDENT.**
- P9: TRUE COPY OF THE ORDER DATED 07.08.2015 ISSUED BY THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27867 of 2015

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner approached this Court challenging orders passed by the authorities under clause 6 of the Land Utilization order. The petitioner's application has been rejected stating that the land in question is included in the draft data bank as paddy.

2. The learned Government Pleader on instructions also submits that the land is included in the draft data bank and the data bank has not been finally notified.

3. This Court is of the view that if the petitioner's land in question is converted land much before the enactment of Act 28 of 2008, the petitioner shall approach the 6th respondent to correct the entry relating to the land. If the petitioner moves an application before the Local Level Monitoring Committee, that application shall be considered within two months from the date of receipt of the copy of this judgment. If on site inspection it is found that the land in question is converted land before the Act 28 of 2008, necessarily

the draft data bank shall be corrected in accordance with the status of the land as on date of the enactment of the above Act. Needful shall be done after notice to the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE