

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 27977 of 2015 (V)

PETITIONER(S):

1. EGY N. ELIAS, AGED 43 YEARS,
S/O. N.U ELIAS, NADUVILEVEETIL HOUSE, MEMMURI KARA,
PAMPAKKUDA, MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.
2. ANU EGY, AGED 40 YEARS,
W/O. EGY N. ELIAS, NADUVILAVEETIL HOUSE, MEMMURI KARA,
PAMPAKKUDA, MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENT(S):

1. THE DISTRICT COLLECTOR, ERNAKULAM - 682 030.
2. THE REVENUE DIVISIONAL OFFICER, MUVATTUPUZHA - 686 661.
3. THE VILLAGE OFFICER, ONAKKOOR, MUVATTUPUZHA TALUK - 686 667.
4. THE LOCAL LEVEL MONITORING COMMITTEE
CONSTITUTED UNDER THE PROVISIONS OF THE
KERALA CONSERVATION OF PADDY LAND AND
WET LAND ACT, 2008 OF PAMPAKKUDA GRAMA PANCHAYATH,
ERNAKULAM DISTRICT, REPRESENTED BY ITS CONVENER,
(THE AGRICULTURAL OFFICER, PAMPAKKUDA,
ERNAKULAM DISTRICT.)

R1-R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 27977 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 A TRUE COPY OF THE BASIC TAX RECEIPT DATED 7-8-2015 ISSUED
FROM THE VILLAGE OFFICE, ONAKKOOR**

**EXHIBIT P2 A TRUE COPY OF THE RELEVANT PORTION OF THE DATA BANK OF
PAMPAKKUDA GRAMA PANCHAYATH**

**EXHIBIT P3 A TRUE COPY OF THE REPRESENTATION DATED 25-07-2015 SUBMITTED
BY THE PETITIONERS BEFORE THE 4TH RESPONDENT**

EXHIBIT P4 A TRUE COPY OF THE JUDGMENT DATED 1-7-2015 IN WP(C) 7157/2015

**EXHIBIT P5 ORIGINAL PHOTOGRAPHS SHOWING THE NATURE AND LIE OF THE
PETITIONER'S PROPERTY.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27977 of 2015

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Dated this the 10th day of December, 2015

J U D G M E N T

The petitioners are the owner of property comprised in Sy. No.838/8-1 of Onakkoor Village in Ernakulam District. This land is included as a paddy land in the draft data bank. The petitioners challenges the inclusion in the data bank.

The data bank has been notified. Therefore the petitioners to prove his case had taken out a Commission. The Commissioner after local inspection reports that the land is unfit to cultivate paddy. It is also referred to that property is a converted land. The Commissioner also noted that this property is lying on the side of Muvttupuzha-Piravam main road. The report of the Agricultural Officer shows that there is certain agricultural activities surrounding the area. Considering the nature of the report by the Advocate Commissioner and taking note of location of the land situated, this Court is of the view

that inclusion of the petitioners' property in the data bank as a paddy is unsustainable.

In such a situation, it is declared that the petitioners' land has to be recorded as a converted land. Necessary steps shall be taken by the Local Level Monitoring Committee by publishing erratum notification. Therefore for all practical purposes, the petitioners' land shall be treated as a converted land. However for the purpose of utilizing the land for other purposes, the petitioners has to obtain permission from the Revenue Divisional Officer, 2nd respondent under clause (6) of the Land Utilization Order. If the petitioners approach the Revenue Divisional Officer under clause (6) of the Land Utilization Order, the application shall be considered within two months from the date of receipt of such application. Appropriate order shall be passed by the Revenue Divisional Officer after protecting the right of the neighbouring property owners.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE