

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

**PRESENT:**

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

**FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937**

**WP(C).No. 28405 of 2015 (A)**  
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**PETITIONER(S) :**  
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**C.K.PRATAPA CHANDRAN, AGED 49 YEARS,  
S/O.KRISHNA PILLAI, VAISHNAVA, PILAPPUZHA MURI,  
HARIPAD, ALAPPUZHA DISTRICT.**

**BY ADV. SRI.K.R.SUNIL**

**RESPONDENT(S):**  
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- 1. THE PRINCIPAL SECRETARY / AGRICULTURAL PRODUCTION  
COMMISSIONER, DEPARTMENT OF AGRICULTURE,  
GOVERNMENT OF KERALA, GOVT.SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,  
ALAPPUZHA - 688 001.**
- 3. THE LOCAL LEVEL MONITORING COMMITTEE,  
HARIPAD PANCHAYATH,  
REP. BY ITS CONVENER/AGRICULTURAL OFFICER,  
HARIPAD PANCHAYAT, HARIPAD- 690 514.**
- 4. THE VILLAGE OFFICER,  
HARIPAD VILLAGE OFFICE, HARIPAD - 690 514.**
- 5. THE AGRICULTURAL OFFICER, KRISHI BHAVAN,  
HARIPAD, PIN - 690 514.**

**BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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- EXT.P1:        TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT  
                 DATED 16.11.2014.**
- EXT.P2:        THE TRUE COPY OF THE JUDGEMENT OF THIS HON'BLE COURT  
                 IN W.P.(C).NO.5958 OF 2015 DATED 25.02.2015.**
- EXT.P3:        THE TRUE COPY OF THE ORDER DATED 27.06.2015 ISSUED BY  
                 THE 1ST RESPONDENT DATED 27.06.2015.**
- EXT.P4:        THE TRUE COPY OF THE APPLICATION SUBMITTED BY  
                 THE PETITIONER BEFORE THE 5TH RESPONDENT 14.09.2015.**
- EXT.P5:        THE TRUE COPY OF THE REPORT DATED 04.07.2013 PREPARED  
                 BY THE 5TH RESPONDENT.**

**RESPONDENT(S)' EXHIBITS :**  
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 28405 of 2015

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Dated this the 18<sup>th</sup> day of September, 2015

J U D G M E N T

The petitioner is owner of the landed property situated in re-Survey No.437/13/2 in Haripad Village. The petitioner approached the local Level Monitoring Committee by Ext.P4 to correct the entry relating to the property in the draft data bank.

2. The petitioner also relies on Ext.P5 a report of Agricultural Officer to the Revenue Divisional Officer. This report would indicate that there are yielding coconut trees having the age of 25 years. Therefore taking into the account of the above facts, appropriate decision shall be taken by the third respondent within two months after notice to the petitioner. Local Level Monitoring Committee shall find out whether the land can be treated as a paddy as on the date of enactment of Act 28 of 2008. If it cannot be classified as paddy as on the date of enactment of the Act 28 of 2008, necessarily corresponding changes shall be effected in the

draft data bank. Needful shall be done within two months after notice to the petitioner.

3. The petitioner in fact has challenged the order of District Collector under the Act 28 of 2008. Ext.P1 is the order of the District Collector. Thereupon the petitioner approached to Government. Ext.P3 is the order of the Government. Therefore proceedings based on Ext.P1 and P3 shall be deferred till the decision is taken by the Local Level Monitoring Committee. However it is open for the revenue officials to implement Ext.P1, if Local Level Monitoring Committee finds out property has to be treated as paddy in the draft data bank. There shall be an order of status quo till the decision.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE