

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 30174 of 2015 (V)

PETITIONER(S):

- 1. LEELAMMA VARGHESE,
THEKKETHIL HOUSE , CHITTOOR MURI,
PATHANAMTHITTA VILLAGE, PATHANAMTHITTA DISTRICT,
PIN 689 645.**
- 2. VARGHESE THEKKETHIL,
THEKKETHIL HOUSE, CHITTOOR MURI, PATHANAMATHITTA VILLAGE,
PATHANAMTHITTA DISTRICT, PIN 689 645.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
ADOOR, PATHANAMTHITTA DISTRICT - 689 645.**
- 2. THE VILLAGE OFFICER, PATHANAMTHITTA,
PATHANAMTHITTA DISTRICT - 689 645.**

BY GOVERNMENT PLEADER SRI.M.ARUNKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 30174 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-TRUE COPY OF THE ORDER NO 2368/95/B2/K.DIS DTD 30/8/96

P2:-TRUE COPY OF THE BUILDING PERMIT DTD 3/8/2015

P3:-TRUE COPY OF THE ORDER NO 440/15 DTD 8/9/2015 OF THE 2ND RESPONDENT

**P4:-TRUE COPY OF THE APPLICATION DTD 9/9/2015 FILED BY THE PETITIONERS
BEFORE THE 2ND RESPONDENT**

**P5:-TRUE COPY OF THE APPLICATION DTD 14/9/2015 FILED BY THE PETITIONERS
BEFORE THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 30174 of 2015

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Dated this the 11th day of December, 2015

J U D G M E N T

The petitioner approached this Court challenging the stop memo issued by the Village Officer produced as Ext.P3. It is alleged that the petitioner is reclaiming the land illegally.

2. According to the petitioner this is a converted land and therefore stop memo is unsustainable.

3. The learned Government Pleader would submits that on instructions that in the draft data bank the land is classified as fallow land. Therefore the petitioner cannot reclaim the land.

4. This Court is of the view that the petitioner shall approach the Local level Monitoring Committee within two weeks from the date of receipt of the copy of this judgment to correct the entry relating to the property. The Local Level Monitoring Committee shall verify whether it can be classified as a fallow

land or paddy land or wet land as on the date of enactment of the Act 28 of 2008. If it cannot be classified as above, necessary correction shall be carried out within two months thereon. Till the decision is taken by the Local Level Monitoring Committee, status quo shall be maintained. However if the Local Level Monitoring committee refused to correct the data bank, the petitioner shall not reclaim the land in violation of the Act 28 of 2008.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE