

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 30489 of 2015 (I)

PETITIONER(S):

**EMMEN RAGHAVAN,
S/O.KARIMBAN, KUNHIMANGALAM VILLGE,
KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S):

- 1. PRESIDENT, KUNHIMANGALAM GRAMA PANCHAYATH,
PO KUNHIMANGALAM, KANNUR DISTRICT, PIN-670 309.**
- 2. AGRICULTURE OFFICER,
KRISHI BHAVAN, KUNHIMANGALAM PO, KUNHIMANGALAM,
KANNUR DISTRICT, PIN-670 309.**
- 3. VILLAGE OFFICER,
KUNHIMANGALAM GRAMA PANCHAYATH, P.O KUNHIMANGALAM,
KANNUR DISTRICT, PIN-670 309.**
- 4. DISTRICT COLLECTOR, KANNUR, PIN-670 001.**
- 5. REVENUE DIVISIONAL OFFICER,
THALASSERY, PIN-671 104.**
- 6. SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, THIRUVANANTHAPURAM,
PIN-695 001.**

R2-6 BY SPECIAL GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF REGISTERED SALE DEED BEARING NO.1045/08 OF SUB REGISTRAR'S OFFICE, PAYYANUR DT 3-3-2008.**
- P2 : TRUE COPY OF REPRESENTATION DT 23-10-2013 SUBMITTED BY THE PETITIONER BEFORE 5TH RESPONDENT.**
- P3 : TRUE COPY OF LETTER DT 1-1-2014 FORWARDED BY THE PRINCIPAL AGRICULTURAL OFFICER TO THE 2ND RESPONDENT.**
- P4 : TRUE COPY OF THE REPORT PREPARED BY LOCAL LEVEL MONITORING COMMITTEE**
- P4(A) : TRUE COPY OF THE COVERING LETTER DT 12-2-2014 FORWARDED BY THE 2ND RESPONDENT TO SUB COLLECTOR, THALASSERY.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S.. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 30489 of 2015

Dated this the 13th October, 2015

JUDGMENT

The petitioner has approached the fifth respondent as per Exhibit P2 for correction of entry relating to the property of the petitioner situated in R.S.No.151/1 of Kunhimangalam Amdom Desom in Kannur Taluk. The Revenue officials, in turn, forwarded the same to the Principal Agricultural Officer, Kannur. Thereafter, the Principal Agricultural Officer forwarded the same to the Agricultural Officer, who is the Convener of the Local Level Monitoring Committee. The Local Level Monitoring Committee as per Exhibit P4 found that this is a converted land. It consists of 20 coconut trees having age of 35 years and other planted trees. It is also noted that the surrounding areas are 'Purayidom', hence the Local Level Monitoring Committee came to the conclusion that it was wrongly entered in the Data Bank. The Local Level Monitoring Committee forwarded the report to the Sub

Collector. It is to be noted that the Sub Collector has no role in this matter to correct the entry. It is for the Local Level Monitoring Committee to correct the entry.

In such circumstances, this Court is of the view that the petitioner's land shall be treated as a converted land much before the Act 28 of 2008 and this land cannot be classified as paddy land in the Data Bank for all other practical purposes. Therefore, necessary entries shall be made in the Data Bank showing that it is a converted land and if possible, an erratum notification shall be issued showing that it is a converted land. It is made clear that the petitioner is free to utilise the land for any other purposes and the petitioner is not interdicted by any provisions under the Act 28 of 2008 for utilising this land.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**