

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 30608 of 2015 (A)

PETITIONER(S) :

- 1. BABU GEORGE,
SON OF K.P.GEORGE, CC 29/19A, KURISINGAL HOUSE,
NEW TOCH ROAD, VYTTLA, POONITHURA.**
- 2. MOHAN GEORGE,
SON OF KP GEORGE, CC 29/19A, KURISINGAL HOUSE,
NEW TOCH ROAD, VYTTLA, POONITHURA.**
- 3. JOSE JACOB KATTIKARAN,
SON OF JACOB KATTIKARAN, NO.30, SOUHRUDA NAGAR,
VAZHAKKALA, KOCHI 21.**
- 4. JOSEPH KURIAN,
C/O.CHERIAN JOSEPH POOPPALLY, CHITTOR ROAD, KOCHI 35.**

**BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)
ADV.SRI.V.SHARMILA
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE AGRICULTURAL OFFICER AND CONVENOR,
LOCAL LEVEL MONITORING COMMITTEE, KRISHI BHAVAN,
KADAMAKKUDI, ERANANKULAM- 682 027.**
- 3. THE LOCAL LEVEL MONITORING COMMITTEE,
KRISHI BHAVAN, KADAMAKKUDI, ERNAKULAM- 682 027,
REPRESENTED BY THE CONVENER.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 30608 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS :

P1: TRUE COPY OF THE DRAFT DATA BANK.

**P2: TRUE COPY OF THE APPLICATION DATED 24.04.2015 SUBMITTED TO
2ND RESPONDENT.**

**P3: TRUE COPY OF THE ORDER DATED 16.05.2015 OF
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 30608 of 2015

Dated this the 15th October, 2015

JUDGMENT

Petitioner is the owner of a landed property comprised in Sy.No.507/2 of Kadamakkudy Village, Kanayannur Taluk. According to the petitioner, the said land has been wrongly included in the draft data bank as paddy land. The petitioner submits that this is a converted land before the enactment of the Kerala Conservation of Paddy Land and Wetland Act, 2008 (Act 28 of 2008).

2. Learned counsel for the petitioner submits that though the petitioner has approached the Local Level Monitoring Committee to correct the entry, the request of the petitioner has been rejected by Exhibit P7 stating that the Committee no such power.

3. In the above circumstances, this Court is of the view that the Local Level Monitoring Committee is vested with the power to correct the entry in the Draft Data Bank as per Rule 4(2)(b) of the Kerala Conservation of Paddy Land and Wetland Act, 2008 (Act 28 of 2008).

In view of the above, there shall be a direction to second respondent to reconsider the matter within one month from the date of receipt of a copy of this judgment, after hearing the petitioner. If it is found that the land cannot be classified as wet land or paddy land as on the date of enactment of Act 28 of 2008, corresponding changes shall be effected in the Draft Data Bank.

The Writ Petition is disposed of as above,

**A.MUHAMED MUSTAQUE
JUDGE**

vgs16/10/15