

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. 30996 of 2015 (Y)

PETITIONERS :

1. **ABDUL JABBAR, AGED 53 YEARS,
S/O. MADARI MOHOMMAD HAJI, MADARI HOUSE,
KOOTILANGADI P.O., PERINTHATTIRI,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT
REPRESENTED THROUGH POWER OF ATTORNEY P.AHAMMED KUTTY,
AGED 48 YEARS, S/O.AHAMMED MUSALIYAR, PALLIYALI HOUSE,
VELLILLA P.O., VIA MANKADDA, PERINTHALMANNAR TALUK,
MALAPPURAM DISTRICT.**
2. **HAMZA, AGED 56 YEARS,
S/O. CHERYIL MOHAMMED, CHERIYIL HOUSE,
KOOTILANGADI P.O., PERINTHATTIRI
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT
REPRESENTED THROUGH POWER OF ATTORNEY P.AHAMMED KUTTY,
AGED 48 YEARS, S/O. AHAMMED MUSALIYAR, PALLIYALIL HOUSE,
VELLILLA P.O., VIA MANKADDA, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENTS :

1. **STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695001.**
2. **THE LOCAL LEVEL MONITORING COMMITTEE,
MANKADA GRAMA PANCHAYAT
REPRESENTED BY ITS CONVENER AGRICULTURAL OFFICER,
KRISHI BHAVAN, MANKADA P.O., MALAPPURAM DISTRICT
PIN 679324.**

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE COMMUNICATION ISSUED BY THE VILLAGE OFFICER, MANKADA TO SUB COLLECTOR, PERINTHALMANNA DATED 25/9/2015.
- EXHIBIT-P2: TRUE COPY OF THE PROCEEDINGS OF THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA NO.K.DIS.2315/07/M DATED 5/11/2007.
- EXHIBIT-P3: TRUE COPY OF THE PROCEEDINGS OF THE REVENUE DIVISIONAL OFFICER, PERINTHALMANNA NO.K.DIS.2314/07/M DATED 5/11/2007.
- EXHIBIT-P4: TRUE COPY OF THE APPLICATION DATED 24.7.2015 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.
- EXHIBIT-P5: TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, MANKADA, MALAPPURAM DATED 25/7/2015.
- EXHIBIT-P6: TRUE COPY OF THE BUILDING PERMIT DATED 3.4.2010 ISSUED BY THE SECRETARY, MANKADA GRAMA PANCHAYAT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 30996 of 2015

Dated this the 13th October, 2015

JUDGMENT

Petitioners, owners of a landed property comprised in Sy.No.114/3 of Mankada Village in Perinthalmanna Taluk, have approached this Court on account of the inaction of the Local Level Monitoring Committee to correct the entry relating to the petitioners' property in the Draft Data Bank.

2. As seen from the report of the Agricultural Officer, this is a converted land, planted with arecanut trees and coconut trees. It is also stated that the said land is unfit for paddy cultivation.

3. In such circumstances, this Court is the view that the second respondent, Local Level Monitoring Committee ought to have taken steps to reclassify the land of the petitioners.

Therefore, there will be a direction to the second respondent to take a decision in the light of Exhibit P5

certificate issued by the Agricultural Officer, after conducting a site inspection. 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. Needful shall be done by the second respondent within one month from the date of receipt of receipt of a copy of this judgment with notice to the petitioner.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs13/10/15