

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 31963 of 2015 (U)

PETITIONERS:

1. K.C.SEBASTIAN @ BABU, S/O. CHERIAN,
MADATHANADIYIL HOUSE, MARANGATTUPALLI
KARA, ELAKKATTU VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT.
2. GARVASIS CHERIAN, S/O. CHERIAN,
NOW RESIDING AT PULLAPPALLIL HOUSE,
MEMURI P.O., KOTTAYAM DISTRICT.

BY ADVS.SRI.ABRAHAM P.GEORGE
SRI.K.VINODKUMAR (707/89)
SMT.M.SANTHY

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KOTTAYAM DISTRICT,
CIVIL STATION, KOTTAYAM - 686 601.
2. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM - 686 601.
3. THE TAHSILDAR, KOTTAYAM TALUK,
KOTTAYAM - 686 601.
4. VILLAGE OFFICER, ONAMTHURUTH VILLAGE,
ONAMTHURUTH.P.O., KOTTAYAM - 686 602.
5. AGRICULTURAL OFFICER, NEENDOOR,
NEENDOOR P.O., KOTTAYAM - 686 601.
6. ROBY GEORGE, ANNADIKKAL HOUSE,
KUMALLOOR., PIN-685 632.

BY GOVERNMENT PLEADER SRI. P.K. SOYUZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

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| EXT.P1 | TRUE PHOTOCOPY OF SURVEY SKETCH SHOWING IYE OF PROPERTIES
IN RESURVEY NUMBERS 80/1 TO 80/8 OF ONAMTHURUTHU VILLAGE. |
| EXT.P2 | TRUE PHOTOCOPY OF INJUNCTION ORDER IN I.A. NO. 1716/2014 IN O.S.
NO. 226/2014 IN THE FILE OF MUNSIFF'S COURT, ETTUMANOOR. |
| EXT.P3 | TRUE PHOTOCOPY OF THE ORDER NO. E9 55999/2014 DATED 4-8-2015
PASSED BY 1ST RESPONDENT. |
| EXT.P4 | TRUE PHOTOCOPY OF THE RELEVANT PAGES OF DATABANK FOR THE
VILLAGE ONAMTHURUTHU. |

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

ncd

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 31963 of 2015

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Dated this the 20th day of November, 2015

J U D G M E N T

The petitioners are the owners of landed property in Re.Sy. No.80/1, 80/2, 80/3, 80/4, 80/5, 80/6, 80/8 in Onamthuruthu Village. According to the petitioner this land is a converted land. The petitioner approached this Court aggrieved by an order passed by the District Collector under Section 13 of the Act 28 of 2008.

2. The learned Special Government Pleader submits that in the draft data bank the said land is included as a wet land and the draft data bank has not been finally notified.

3. In that view of the matter, this Court is of the view that the petitioner shall approach the local Level Monitoring Committee to correct the entry in the draft data bank in respect of the property. The Local Level Monitoring Committee shall conduct a site inspection to find out whether it can be classified

as wet land as on the date of enactment of the Act 28 of 2008. If it cannot be classified as wet land, necessarily corresponding change shall be effected in the draft data bank. If it is corrected the order passed by the District Collector shall be revoked. However in the event the Local Level Monitoring Committee refused to correct the entry, it is open for the District Collector to enforce the order in accordance with law. Needful shall be done by the Local Level Monitoring Committee within two months from the date of receipt of the copy of this judgment after notice to the petitioner. Till the decision is taken by the Local Level Monitoring status quo shall be maintained.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE

The first sentence in paragraph 1 of the judgment dated 20.11.2015 in W.P.(C) No.31963/2015 is deleted and the same is corrected as "The petitioners are the owners of landed property in Resurvey No.80/7 of Onamthuruth Village" as per order dated 05.02.2016 in I.A 1154/2016.

sd/-

Registrar (Judicial)

W.P.(C).No. 31963 of 2015

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