

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 31999 of 2015 (Y)

PETITIONER(S):

**JOHN JOSE,
KUNNAPPALLIL HOUSE, MUHAMMA P.O.,
ALAPPUZHA-688 525.**

**BY ADVS.SRI.M.PASHOK KUMAR
SMT.R.S.MANJULA**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, ALAPPUZHA DISTRICT-688 001.**
- 2. THE SUB COLLECTOR,
CIVIL STATION, ALAPPUZHA DISTRICT-688 001.**
- 3. THE TAHASILDAR,
CHERTHALA, ALAPPUZHA DISTRICT-688 524.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 31999 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1:PHOTOCOPY OF THE CERTIFICATE ISSUED BY PANCHAYATH
DATED 19.12.2009.

EXT.P2:PHOTOCOPY OF THE RESIDENTIAL BUILDING PERMIT DATED 16.03.2010.

EXT.P3:PHOTOCOPY OF THE BUILDING PERMIT FOR COMPOUND WALL
DATED 24.06.2010.

EXT.P4:PHOTOCOPY OF THE OWNERSHIP CERTIFICATE 18.03.2010 ISSUED BY
PANCHAYATH.

EXT.P5:PHOTOCOPY OF THE LUXURY TAX ASSESSMENT ORDER DATED 09.10.2013
ISSUED BY TAHSILDAR.

EXT.P6:PHOTOCOPY OF THE RELEVANT PAGE OF LAND IDENTIFICATION DETAIL
DATED NIL.

EXT.P7:PHOTOCOPY OF THE APPEAL DATED 28.09.2012 FILED BEFORE THE
3RD RESPONDENT.

EXT.P8:PHOTOCOPY OF NOTICE DATED 19.09.2013 ISSUED BY 2ND RESPONDENT.

EXT.P9:PHOTOCOPY OF REPORT OF THE VILLAGE OFFICER DATED 04.09.2013 SEND
TO THE 2ND RESPONDENT.

EXT.P10:PHOTOCOPY OF THE NOTICE DATED 16.06.2015 ISSUED BY
1ST RESPONDENT.

EXT.P11:PHOTOCOPY OF THE REPLY SUBMITTED BY THE PETITIONER DATED NIL.

EXT.P12:PHOTOCOPY OF THE ORDER DATED 26.09.2015 ISSUED BY
1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 31999 of 2015

Dated this the 20th day of November, 2015

JUDGMENT

The petitioner is the owner of 8.10 Ares of land and property comprised in Survey No.421/3-2 of Thannermukkam S. Village, Muhamma Panchayath, Cherthala. According to the petitioner, this is a converted land before the enactment of Act 28/2008.

2. The petitioner approached this Court aggrieved by an order passed by the District Collector under Section 13 of the enactment of Act 28/2008.

3. The learned Government Pleader submits that in the Draft Data Bank, this land is classified as a fallow paddy land and the Draft Data Bank has not been finally notified.

4. 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 relating to the property. If the petitioner approach Local Level Monitoring Committee within two weeks from the receipt of a copy of this judgment, the Local Level Monitoring Committee shall conduct a site inspection to find out whether the property can be classified as a fallow paddy land as on the date of enactment of Act 28/2008. If it cannot be classified as a fallow paddy land necessarily, entry relating to the petitioner's property shall be corrected. Needful shall be done within two months after issuing notice to the petitioner. Till a final decision is taken by the Local Level Monitoring Committee, status quo will continue. In the event, the Local Level Monitoring Committee finds that the Draft Data Bank need not be corrected, the Official respondents are free to enforce impugned order in accordance with law.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**