

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No.33930 of 2014 (M)

PETITIONERS:

1. **SAJEEVAN,S/O.KUNHIAKKAN,AGED 42 YEARS,
THAZHE PEEDIKAYIL HOUSE,
CHECKIAD AMSOM DESOM,CHECKIAD P.O,
VIA PARAKKADAVU,PIN-673509,VATAKARA TALUK,
KOZHIKODE DISTRICT**
2. **VIJEEESH,S/O.BHASKARAN,AGED 34 YEARS,
VALIYA PEEDIKAYIL HOUSE,VELLOR AMSOM DESOM,
KODANJERI P.O,VIA PURAMERI,PIN-673502,
VATAKARA TALUK,KOZHIKODE DISTRICT.**

**BOTH THE PETITIONERS REPRESENTED BY THIER POWER OF
ATTORNEY HOLDER AANDY,S/O.CHATHU,AGED 62 YEARS,
THAZHE THOTTOLI HOUSE,CHECKIAD AMSOM DESOM,
CHECKIAD P.O,VIA PARAKKADAVU,PIN-673509,
VATAKARA TALUK,KOZHIKODE DISTRICT**

BY ADV. SRI.K.DILIP

RESPONDENTS:

1. **THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT INSTITUTIONS DEPARTMENT,
GOVERNMENT OF KERALA,SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
2. **LOCAL LEVEL MONITORING COMMITTEE,
NADAPURAM,REPRESENTED BY ITS CONVENER
AGRICULTURAL OFFICE,KRISHI BHAVAN,
NADAPURAM P.O,PIN-673505.**
3. **NADAPURAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
P.O NADAPURAM,PIN-673506
KOZHIKODE DISTRICT**

R1 BY GOVT. PLEADER SRI.K.C.VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.33930 of 2014 (M)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:TRUE COPY OF THE TITLE DEED NO.2326/2013 OF SRO,
NADAPURAM.**

**EXHIBIT P2:TRUE COPY OF THE POSSESSION CERTIFICATE NO.1535/2014
ISSUED BY THE V.O NADAPURAM DATED 29-09-2014.**

**EXHIBIT P3:TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE V.O
NADAPURAM DATED 26-08-2014.**

**EXHIBIT P4:TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT
DATED 05-12-2014.**

**EXHIBIT P5:TRUE COPY OFTHE BUILDING TAX RECEIPT ISSUED BY THE 3RD
RESPONDNET DATED 14-10-2014 TO THE PETITIONERS.**

**EXHIBIT P6:COPY OF THE PETITION DATED 05-12-2014 IS FILED BEFORE THE
2ND RESPONDENT, LOCAL LEVEL MONITORING COMMITTEE.**

EXHIBIT P7:XEROX COPIES OF THE PHOTOGRAPHS OF THE SITE.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 33930 of 2014

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Dated, this the 7th day of January, 2015

JUDGMENT

Petitioners have approached this Court with the following prayers :

"i. Issue a writ of mandamus or such other writs directing the 2nd respondent to dispose the Ext. P6 petition submitted by the petitioner to remove the property in question from the data bank.

2. Issue such other reliefs as this Honourable Court may deem fit and proper considering the facts and circumstances of the case."

2. The learned counsel for the petitioners submits that the petitioners will be satisfied, if a direction is given to the second respondent to consider and pass appropriate orders on Ext. P6 representation preferred by the petitioner for effecting necessary correction in the Data Bank Register within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to adjudicate the matter on merits or to

issue notice to the 3rd respondent for the time being. The Writ Petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext. P6 representation, in accordance with law, after giving an opportunity of hearing to the petitioner and 3rd respondent, after conducting a site inspection, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd