

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 34087 of 2014 (I)

PETITIONER(S):

**K.G.GOPALAKRISHNA PANICKER, AGED 69 YEARS,
S/O. GOPALA PANICKER, KIZHAKKEDATHU HOUSE,
KADUTHURUTHY(PO), KOTTAYAM DISTRICT.**

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENT(S):

- 1. THE KADUTHURUTHY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
KADUTHURUTHY GRAMA PANCHAYAT OFFICE, KADUTHURUTHY P.O.,
KOTTAYAM DISTRICT - 686 604.**
- 2. THE SECRETARY,
KADUTHURUTHY GRAMA PANCHAYAT,
KADUTHURUTHY GRAMA PANCHAYAT OFFICE, KADUTHURUTHY P.O.,
KOTTAYAM DISTRICT - 686 604.**
- 3. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER, PALA,
KOTTAYAM DISTRICT - 686 575.**
- 4. THE TAHSILDAR,
TALUK OFFICE, VAIKOM, KOTTAYAM DISTRICT - 686 141.**
- 5. THE VILLAGE OFFICER,
KADUTHURUTHY VILLAGE OFFICEM, KADUTHURUTHY (PO),
KOTTAYAM DISTRICT - 686 604.**

R3 TO R5 BY GOVERNMENT PLEADER SMT.K.A.SANGEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 34087 of 2014 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE SALE DEED DATED 21/4/2012 EXECUTED BETWEEN SMT.BHARGAVI AMMA AND LEKHA BIJI WITH THE PETITIONER.

EXHIBIT P2: A TRUE COPY OF THE ORDER DATED 20/3/2012 PASSED BY THE ADDITIONAL DISTRICT JUDGE, KOTTAYAM IN OP (G &W) NO.17/2012.

EXHIBIT P3: A TRUE COPY OF THE FIXED DEPOSIT RECEIPT DATED 19/4/2012 EVIDENCING THE DEPOSIT IN FAVOUR OF THE MINOR AS PER EXHIBIT P2 ORDER.

EXHIBIT P4: PHOTOGRAPHS SHOWING THE CONSTRUCTION OF THE HOUSE IN THE PROPERTY COVERED VIDE EXHIBIT P1.

EXHIBIT P5: A TRUE COPY OF THE NOTIFICATION DATED 1/9/2011 FIXING THE FAIR VALUE OF LAND IN KOTTAYAM DISTRICT UNDER RULE 5(8) OF THE KERALA STAMP(FIXATION OF FARE VALUE OF LAND) RULES,1995.

EXHIBIT P6: A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 5/7/2014 ISSUED BY THE FIFTH RESPONDENT TO THE PETITIONER.

EXHIBIT P7: A TRUE COPY OF THE ORDER DATED 17/11/2014 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M.SHAFFIQUE, J.

W.P.(C) No.34087 of 2014

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner has approached this court challenging Ext.P7 order issued by the Grama Panchayath rejecting the application of the petitioner for regularization of the construction and numbering of the building. The petitioner has constructed the buildings in the property situated in Survey No.947/6/2 of Kaduthuruthy Grama Panchayath. The reason for rejecting the request of the petitioner is on the ground that the property is described as wet land in the possession certificate dated 05.07.2014. According to the petitioner, the property is garden land and was remaining so for the last several years and in the midst of a rubber estate.

2. The learned Government Pleader, on instructions, would submit that the property is still described as wet land in the data bank entries prepared by the Local Level Monitoring Committee.

3. In so far as there is an entry in the data bank particulars describing the property as wet land and the same is not corrected, it may not be possible for the petitioner to contend that the property was garden land. The learned counsel for the petitioner submits that an application has already been filed for correcting the data bank entries.

4. Under such circumstances, I am of the view that re-consideration of the entire matter is required on condition that the petitioner approaches the Local Level Monitoring Committee for correcting the data bank entries.

In the result, this writ petition is disposed of as under:

(i) The petitioner is at liberty to approach the Local Level Monitoring Committee of the area to correct the data bank entries.

(ii) If such correction is made, it shall be open for the petitioner to approach the 4th Respondent to correct the other entries in the village records and thereafter approach the 2nd Respondent for regularization and numbering of the building.

Sd/-
A.M.SHAFFIQUE,
JUDGE

//true copy//

P.S. To Judge

St/-