

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

WP(C).No. 36102 of 2015 (K)

PETITIONER :

EDAYAKUNNAM NORTH SAINT JAMES MARANA SAHAYA SANGHAM,
EDAYAKUNNAM, CHERANELOOR
REPRESENTED BY ITS PRESIDENT C.X.KUNJACHAN.

BY ADVS.SRI.BIJU JOSEPH
SRI.SREEJITH S.NAIR

RESPONDENTS :

1. THE DISTRICT COLLECTOR,
CIVIL STATION, ERNAKULAM, PIN-682030.
2. THE TAHSILDAR,KANAYANNOOR TALUK,
ERNAKULAM, PIN-682011.
3. THE VILLAGE OFFICER, ELAMKULAM VILLAGE,
ERNAKULAM DISTRICT-682020.
4. THE LOCAL LEVEL MONITORING COMMITTEE,
(CONSTITUTED UNDER S.5 OF THE KERALA CONSERVATION OF PADDY AND
WET LAND ACT 2008), REPRESENTED BY ITS CONVENOR
THE AGRICULTURAL OFFICER, CHERANELOOR, ERNAKULAM
PIN-682027.
5. THE REVENUE DIVISIONAL OFFICER,
ERNAKULAM.

R BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1:A TRUE COPY OF THE SETTLEMENT DEED REGISTERED AS DOCUMENT NO.73 OF 1970 DATED 31.08.1970 OF SRO ERNAKULAM.

EXT.P2:A TRUE COPY OF THE BASIC TAX RECEIPT OF THE PROPERTY.

EXT.P3:A TRUE COPY OF THE RELEVANT EXTRACT OF THE DATA BANK PREPARED UNDER THE KERALA CONSERVATION OF PADDY LAND AND WET LAND ACT, 2008.

EXT.P4:A TRUE COPY OF THE REPRESENTATION DATED 13/10/2015 MADE BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P5:A TRUE COPY OF THE REQUEST FOR RECORDING CONVERSION OF THE LAND MADE BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

EXT.P6: A TRUE COPY OF THE GOVERNMENT ORDER G.O.(RT) NO.157/2002/AD DATED 05/02/2002 PROVIDING GUIDELINES FOR CONSIDERING AN APPLICATION FOR CONVERSION UNDER THE KLU ORDER.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36102 of 2015

Dated this the 30th day of November, 2015

J U D G M E N T

The petitioner claims to be the owner in possession of landed property comprised in Survey No.481/1 of Cheranalloor Village of Kanayannur Taluk. According to the petitioner, the said land is a converted land. It is further submitted that, the land is erroneously included in the Draft Data Bank.

2. The petitioner approached the Local Level Monitoring Committee by submitting Ext.P4 application to conduct a physical verification of the property and to ascertain the physical condition of the land in question.

3. Considering the facts and circumstances, this Court is of the view that, if the Data Bank has not been finally notified, the Local Level Monitoring Committee shall conduct an inspection to find out whether the land in question can be classified as paddy land or wet land as on the date of enactment of the Act 28 of 2008. If it cannot be classified as paddy land, necessary action shall be taken to correct the entry in the Data Bank. Needful shall be done within a period of two months from the date of receipt of a copy of this judgment, after notice to the petitioner.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.