

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937**

**WP(C).No. 36584 of 2015 (W)**  
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**PETITIONERS :**  
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- 1. YUSAF MUHAMMED, PARAPURAYAL HOUSE,  
CHERUKARA, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**
- 2. THASLEENA, PARAPURAYAL HOUSE,  
CHERUKARA, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN  
SMT.A.R.PRAVITHA  
SMT.D.S.THUSHARA**

**RESPONDENTS :**  
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- 1. THE LOCAL LEVEL MONITORING COMMITTEE  
CONSTITUTE UNDER THE CONSERVATION OF  
PADDY LAND AND WET LAND ACT 2008  
REPRESENTED BY ITS CONVENOR  
THE AGRICULTURAL OFFICER, PERINTHALMANNA  
MALAPPURAM DISTRICT-679322.**
- 2. THE DISTRICT LEVEL AUTHORISED COMMITTEE CONSTITUTE UNDER  
THE CONSERVATION OF PADDY LAND AND WET LAND ACT, 2008  
REPRESENTED BY ITS CONVENOR,  
REVENUE DIVISIONAL OFFICER, PERINTHALMANNA  
MALAPPURAM DISTRICT-679322.**
- 3. THE SECRETARY  
PERINTHALMANNA MUNICIPALITY, PERINTHALMANNA,  
MALAPPURAM DISTRICT-679322.**

**BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR  
R3 BY SRI.P.C.SASIDHARAN, SC, PERINTHALMANNA MUNICIPALIT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1:** TRUE COPY OF THE DOCUMENT NO.4456/1/14 OF PERINTHALMANNA SRO.

**EXHIBIT-P2:** TRUE COPY OF THE BASIC TAX RECEIPT DATED 2.7.2015.

**EXHIBIT-P3:** TRUE COPY OF THE RELEVANT PAGES OF THE DATA BANK MAINTAINED BY THE 3RD RESPONDENT.

**EXHIBIT-P4:** TRUE COPY OF THE POSSESSION CERTIFICATE NO.6467/2015 DATED 13/10/2015 ISSUED BY THE VILLAGE OFFICER PERINTHALMANNA.

**EXHIBIT-P5:** TRUE COPY OF THE ORDER NO.B.A-338/15-16/(E2- 21429/15) OF THE 3RD RESPONDENT DATED 7/10/2015.

**EXHIBIT-P6:** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS ON 14/10/2015 WITH POSTAL ACKNOWLEDGMENTS.

**RESPONDENT(S)' EXHIBITS** : **NIL.**

**//TRUE COPY//**

**P.A.TO JUDGE**

**bp**

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 36584 of 2015

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Dated this the 3<sup>rd</sup> day of December, 2015

J U D G M E N T

The petitioners are in possession and enjoyment of 10.27 Ares of land in Survey No.79/3 and 0.81 Ares in Survey No.81/14 and 0.40 Ares in Survey No.81/15 of Perinthalmanna Municipality. According to the petitioners by Ext.P5 the request for a commercial building permit has been turned down by the 3<sup>rd</sup> Respondent Municipality stating that the property is shown as Nancha-II.

2. It is submitted that the petitioners have approached the respondents 1 and 2 to correct the entry in the draft data bank by Ext.P6.

3. This Court is of the view that if the petitioners' land in question is converted land much before the enactment of the Act 28 of 2008, the petitioners' application as per Ext.P6 shall be considered by the Local Level Monitoring Committee within two

months from the date of receipt of the copy of this judgment. On site inspection if it is found that the land in question is converted land before the Act 28 of 2008, necessarily the draft data bank shall be corrected in accordance with the status of the land as on date of the enactment of the above Act. Needful shall be done after notice to the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE