IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 19TH DAY OF MARCH 2024 / 29TH PHALGUNA, 1945

WP(C) NO.40520 OF 2023

PETITIONER:

REMA KRISHNAN, AGED 73 YEARS
NOW RESIDING AT NO.1, 16TH AVENUE,
HARRINGTON ROAD, CHETPET, CHETPET P.O
CHENNAI, TAMIL NADU, PIN - 600031 AND HAVING
PERMANENT ADDRESS AT KANDANATTU VEETTIL
(THRIKOTTU VEEDU), PUTHEN MADAM,
KURUMASSERI P.O., MOOZHIKKULAM, PARAKKADAVU,
ALUVA, ERNAKULAM REPRESENTED BY HER POWER OF
ATTORNEY HOLDER AND BROTHER,
T.N SREEKUMAR MENON, AGED 74 YEARS,
SON OF LATE K.N.N.MENON AND LATE SARADHA AMMA,
RESIDING AT T.C.55/1758(2), ANUGRAHA,
FOREST OFFICE LANE, VAZHUTHACAUD,
THYCAUD P.O., THYCAUD VILLAGE,
THIRUVANANTHAPURAM, PIN - 695014

BY ADVS.
NINAN JOHN
BASIL MATHEW
SANJANA SARA VARGHESE ANNIE
AJAY KRISHNAN S.
ARYA A.R.
ANJITHA JOBI
ROSEMARIA JOHNSON

RESPONDENTS:

1 **REVENUE DIVISIONAL OFFICER - FORT KOCHI, ERNAKULAM FIRST FLOOR, REVENUE DIVISIONAL OFFICE, KB JACOB RD, FORT KOCHI, KOCHI, ERNAKULAM DISTRICT, KERALA, PIN - 682001**

2 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE, GOVT. SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

BY SMT.G.SHEEBA, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Petitioner is the owner in possession of 1.25 Hectares of land comprised in Survey No.225/3 in Block No.4 of Parakkadavu Village, Aluva Taluk, Ernakulam District.

2. Petitioner has filed this writ petition challenging Ext.P6 order whereby her application for change of nature of land submitted in Form 7 under the Kerala Conservation of Paddy Land and Wetland Rules, 2008 (for brevity, 'the Rules, 2008') has been returned stating that the petitioner has to submit an application in Form 5 to remove the property from the Data Bank. The petitioner submits that her property is not included in the Data Bank and is an unnotified

land and therefore, in view of the provisions under Section 27A of the Kerala Conservation of Paddy Land and Wetland Act, 2008 (hereinafter referred to as 'the Act, 2008') she is not liable to file any application in Form 5 for removal of the property from the Data Bank. The petitioner states that her property has been included in the Basic Tax Register as 'nilam'. Being an unnotified land, the petitioner is entitled to file an application under Form 7 as per the decision of this Court in *Anu Mathew v. Revenue Divisional Officer [2022 KHC 5586]*.

Accordingly, there will be a direction to the 1st respondent to consider Ext.P4 application of the petitioner afresh in the light of Ext.P5 report of the Village Officer within a period of

one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-

MURALI PURUSHOTHAMAN
JUDGE

sp/21/03/2024

APPENDIX

PETITIONER'S EXHIBITS:-

Exhibit P1	**THE TRUE COPY OF THE GIFT DEED DATED 24.10.1969 BEARING NO.3341/1969 OF SRO, ANGAMALI.**
Exhibit P2	**THE TRUE COPY OF THE LAND TAX RECEIPT OF THE SAID PROPERTY, BEARING NO. KL07040200678/2023 DATED 31.01.2023 ISSUED BY PARAKKADAVU VILLAGE.**
Exhibit P3	**THE TRUE COPY OF RELEVANT PAGE OF THE DATA BANK SHOWING THE SAID PROPERTY AS 'LAND CONVERTED BEFORE 1998'.**
Exhibit P4	**THE TRUE COPY OF FORM 7 APPLICATION ALONG WITH THE STATEMENT SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.**
Exhibit P5	**THE TRUE COPY OF REPORT OF PARAKKADAVU VILLAGE OFFICER DATED 10.05.2022 ALONG WITH INVESTIGATION REPORT, PROFORMA REPORT AND VERIFIED LAND SKETCH.**
Exhibit P6	**THE TRUE COPY OF THE LETTER DATED 23.02.2023 OF THE FIRST RESPONDENT.**
Exhibit P7	**THE TRUE COPY OF FORM 5 APPLICATION BEARING NO.13/2023/755732 DATED 20.02.2023 SUBMITTED BY THE PETITIONER ALONG WITH ITS RECEIPT.**