IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 24264 OF 2023

PETITIONER:

MERCHANT ASSOCIATION,
REPRESENTED BY ITS PRESIDENT,
BIJU JOHN, AGED 53 YEARS, S/O. JOHN,
VADACKATTUPURAM, KIDANGOOR P.O.,
KOTTAYAM, PIN - 686572

BY ADVS.
SHAKTHI PRAKASH
MUHASIN K.M.

RESPONDENTS:

1 **THE DISTRICT COLLECTOR**
COLLECTORATE, KOTTAYAM – KUMILY ROAD,
KOTTAYAM, PIN - 686002

2 **THE REVENUE DIVISIONAL OFFICER**
PALA REVENUE DIVISIONAL OFFICE,
MINI CIVIL STATION, PALA BYPASS ROAD,
PALA, KOTTAYAM, PIN - 686575

3 **THE TAHSILDAR**
MEENACHIL TALUK OFFICE, CIVIL STATION,
GROUND FLOOR, PALA RAMAPURAM ROAD,
PALA, KOTTAYAM, PIN - 686575

4 **THE VILLAGE OFFICER**
KADAPLAMATTOM VILLAGE OFFICE,
KADAPLAMATTOM, KOTTAYAM, PIN – 686571

5 **THE AGRICULTURE OFFICER**
KADAPALAMATTOM KRISHI BHAVAN,
KADAPLAMATTOM, KOTTAYAM, PIN - 686571

6 THE DIRECTOR
KERALA STATE REMOTE SENSING AND
ENVIRONMENT CENTRE, VIKAS BHAVAN,
THIRUVANANTHAPURAM, PIN - 695033

BY ADV.
SRI.T.JAYAN, GP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has filed the captioned writ petition seeking to challenge Ext.P2 order issued by the 2nd respondent by which the application seeking removal of the property from the databank came to be rejected.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader.

3. This Court notices that it is without obtaining the report from the Kerala State Remote Sensing and Environment Centre (KSREC) that the impugned order is issued. Insofar as the petitioner had a contention that the property was converted prior to the enactment of the Kerala Conservation of Paddyland and Wet Land Act, 2008, the 2nd respondent ought to have obtained the report of the KSREC. Insofar as it is not done, the impugned order requires to be set aside.

Therefore, this writ petition would stand disposed of, setting aside Ext.P2 order issued by the 2nd respondent. The 2nd respondent is directed to obtain a report from the KSREC and pass fresh orders, as expeditiously as possible, at any rate, within a period of 12 weeks from today, after hearing the petitioner also.

The necessary fee for obtaining the report from the KSREC is to be satisfied by the petitioner.

Sd/-

HARISANKAR V. MENON
JUDGE

anm

APPENDIX OF WP(C) 24264/2023

PETITIONER'S EXHIBITS

Exhibit P1	**TRUE COPY OF THE TAX RECEIPT DATED 23.05.2022**
Exhibit P2	**TRUE COPY OF THE ORDER DATED 20.05.2022 ISSUED BY THE 2ND RESPONDENT**
Exhibit P3	**A COPY OF THE PHOTOGRAPHS OF THE PROPERTY OF THE PETITIONER**