



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947

WP(C) NO. 37647 OF 2023

PETITIONERS:

- 1 DHANYA VARGHESE,
AGED 39 YEARS, W/O. P.A. VAJEEDRAN,
PATHICKAL HOUSE, KANNADY,
PALAKKAD, PIN - 678901
- 2 DHANOOP VARGHESE,
AGED 42 YEARS, S/O. A.I VARGHESE,
ALUCKAL HOUSE, MEKKAD P.O, ANGAMALY,
ERNAKULAM, PIN - 683589

BY ADVS.
ANOOP V.NAIR
TANOOSHA PAUL
ROHITH C.
AVANTHIKA R.

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD,
ERNAKULAM DISTRICT, PIN - 682030
- 3 THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, FORT KOCHI,
ERNAKULAM DISTRICT, PIN - 682001



- 4 THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, NEDUMBASSERY,
ERNAKULAM DISTRICT, PIN - 683589
- 5 THE VILLAGE OFFICER,
NEDUMBASSERY VILLAGE, MEKKAD, NEDUMBASSERY,
ANGAMALY, ERNAKULAM DISTRICT, PIN - 683589
- 6 THE THAHSILDHAR (LR),
OFFICE OF THE THASILDHAR, NEDUMBASSERY,
ERNAKULAM DISTRICT, PIN - 683589
- 7 LOCAL LEVEL MONITORING COMMITTEE,
REPRESENTED BY ITS CHAIRMAN,
NEDUMBASSERY PANCHAYAT, MEKKAD, ANGAMALY,
ERNAKULAM DISTRICT, PIN - 683589

BY ADV.
SRI.E.G.GORDEN, SR.GP.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03.04.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

The petitioners herein have filed separate applications with respect to the property in Re-Sy. Nos.253/17 and 253/19 of Nedumbassery Village, seeking to remove them from the databank. By Exts.P7 and P8 orders, these applications have been rejected by the 3rd respondent herein. It is in such circumstances that the captioned writ petition is filed by the petitioner.

2. I have heard Smt.Tanoosha Paul, representing Sri.Anoop V.Nair, the learned counsel for the petitioners and Sri.E.G.Gorden, the learned Senior Government Pleader.

3. This Court notices that the petitioners were essentially relying on Ext.P2 draft data bank wherein there is a finding to the effect that the properties in question were converted prior to 2008 (during 2005). Similarly, in Exts.P7 and P8 orders, though the report of the Kerala State Remote Sensing and Environment Centre (KSREC) is referred to, there is no proper consideration of the findings contained therein, especially in the light of the entries in the draft databank. The



3rd respondent herein has issued the impugned orders solely on account of the report of the Village Officer concerned.

In the result, I am of the opinion that the matter requires a reconsideration at the hands of the 3rd respondent herein. Therefore, this writ petition would stand allowed, by setting aside Exts.P7 and P8 and directing the 3rd respondent to pass fresh orders in the applications filed by the petitioners herein as above, after hearing them also, within a period of 12 weeks from today.

Sd/-
HARISANKAR V. MENON
JUDGE

anm

APPENDIX OF WP(C) 37647/2023

PETITIONERS' EXHIBITS

Exhibit P1	TRUE COPY OF THE TAX RECEIPT BEARING NO. KL07041704144/2023 DATED 02.05.2023 IN RESPECT OF THE PROPERTY OF THE 1ST PETITIONER
Exhibit P1(a)	TRUE COPY OF THE TAX RECEIPT BEARING NO. KL0741702284/2023 DATED 27.03.2023, IN RESPECT OF THE PROPERTY OF THE 2ND PETITIONER
Exhibit P2	RUE COPY OF THE RELEVANT PAGES OF THE DRAFT DATA BANK IN RESPECT OF THE PROPERTY OF THE PETITIONERS
Exhibit P3	TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST PETITIONER TO THE 3RD RESPONDENT, DATED 26.10.2022
Exhibit P4	RUE COPY OF THE APPLICATION SUBMITTED BY THE 2ND PETITIONER TO THE 3RD RESPONDENT, DATED 26.10.2022
Exhibit P5	TRUE COPY OF THE REPORT OF THE KSREC ISSUED TO THE 1ST PETITIONER FROM THE LLMC, IN RESPECT OF THE PROPERTY OF THE 1ST PETITIONER, DATED 25.04.2023
Exhibit P6	TRUE COPY OF THE REPORT OF THE KSREC ISSUED TO THE 2ND PETITIONER, IN RESPECT OF THE PROPERTY OF THE 2ND PETITIONER, DATED 25.04.2023
Exhibit P7	TRUE COPY OF THE ORDER NO. RDOCHN/4416/2023-K7 ISSUED BY THE 3RD RESPONDENT REJECTING THE FORM - 5 APPLICATION OF THE 1ST PETITIONER DATED 30.10.2023



Exhibit P8

TRUE COPY OF THE ORDER NO.RDOCHN/
4413/2023-K7 ISSUED BY THE 3RD RESPONDENT
REJECTING THE FORM - 5 APPLICATION OF THE
2ND PETITIONER DATED 02.11.2023

Exhibit P9

TRUE COPY OF THE SATELLITE IMAGE OF THE
PETITIONER'S PROPERTY IN SURVEY NO'S
253/17 AND 253/19 OF NEDUMBASSERY VILLAGE
OF ALUVA TALUK