



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 24TH DAY OF MARCH 2025 / 3RD CHAITHRA, 1947

WP(C) NO.37883 OF 2023

PETITIONER:

NIVESH N., AGED 38 YEARS,
S/O B.NARAYANAN, ODAVINGAL HOUSE,
KUZHALMANNAM P.O., PALAKKAD DISTRICT,
PIN - 678702.

BY ADVS.
BINOY VASUDEVAN
SREEJITH SREENATH
RINCY KHADER

RESPONDENTS:

- 1 THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
VIDYUT NAGAR, PARAKUNNAM, PALAKKAD, PIN - 678001.
- 2 THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, KUZHALMANNAM, KUZHALMANNAM P.O.,
PALAKKAD DISTRICT, PIN - 678702
- 3 THE VILLAGE OFFICER,
KUZHALMANNAM-I VILLAGE, KUZHALMANNAM P.O.,
PALAKKAD DISTRICT, PIN - 678702.

BY SENIOR GOVERNMENT PLEADER, SRI.E.G.GORDEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24.03.2025,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner sought correction in the databank with respect to certain properties owned by him in Re-survey No. 617/14 of Kuzhalmannam-I Village in Alathur Taluk by submitting an application in Form No. 5 before the 1st respondent herein, under the relevant provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008. By Ext.P6, the said application is seen rejected. Though the petitioner has even thereafter filed another application with the same relief - Ext.P7, he states that the same has been rejected as informed through SMS.

2. It is in such circumstances that the captioned writ petition is filed by the petitioner herein.

3. I have heard Sri.Binoy Vasudevan, the learned counsel for the petitioner and Sri.E.G.Gorden, the learned Senior Government Pleader.

4. A perusal of Ext.P6 would show that the report from the Kerala State Remote Sensing and Environment Centre, Thiruvananthapuram (KSREC), is not obtained though the stand



of the petitioner was to the effect that the property in question was converted prior to 2008.

5. In such circumstances, I am of the opinion that the opinion of KSREC ought to have been obtained while passing orders on Form No.5 application.

Insofar as the opinion of KSREC is not seen obtained prior to the issue of Ext.P6, this writ petition would stand disposed of as under:

- i. Ext.P6 issued by the 1st respondent herein is *set aside*.
- ii. The 1st respondent is directed to consider Form No.5 application at Ext.P5 afresh, after obtaining the views of KSREC, as expeditiously as possible, at any rate, within a period of four months from today. Needless to say that the petitioner to meet the required expenses for obtaining the report, etc. from KSREC.

HARISANKAR V. MENON
JUDGE

APPENDIX OF WP(C) 37883/2023

PETITIONER'S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF DOCUMENT NO.1163/2017
DATED 31-08-2017 OF
S.R.O. KUZHALMANNAM
- EXHIBIT P2 TRUE COPY OF THE POSSESSION CERTIFICATE
DATED 17-06-2022 ISSUED BY THE 3RD
RESPONDENT
- EXHIBIT P3 TRUE COPY OF LOCATION SKETCH DATED 08-
03-2023 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P4 TRUE COPY OF DECLARATION ISSUED BY THE
3RD RESPONDENT DATED 09-03-2023
- EXHIBIT P5 TRUE COPY OF APPLICATION SUBMITTED BY
THE PETITIONER IN FORM 5 DATED 25-10-
2019
- EXHIBIT P6 TRUE COPY OF ORDER NO.J279/2020 DATED
24-09-2020 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P7 TRUE COPY OF THE APPLICATION IN FORM 5
DATED 25-06-2022

RESPONDENTS EXHIBITS:

- EXHIBIT R2(A) TRUE COPY OF THE REPORT OF THE AGRICULTURAL
OFFICER DATED 30.10.2022