2025:KER:27743

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

**PRESENT**

**THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON**

**TUESDAY, THE 1ST DAY OF APRIL 2025 / 11TH CHAITHRA, 1947**

**WP(C) NO. 38465 OF 2023**

**PETITIONER:**

**BEENA TOM**
**AGED 57 YEARS, W/O.TOMY ISAC,**
**OZHUKAYIL HOUSE, VELLARIKUNDU P.O.,**
**BALAL VILLAGE, KASARAGOD DISTRICT,**
**PIN-671533.**

**BY ADVS.**
**BABU JOSEPH KURUVATHAZHA**
**ARCHANA K.S.**
**MOHAMMED SHAFI.K**
**NOEL EALIAS**

**RESPONDENTS:**

1 **REVENUE DIVISIONAL OFFICER**
**KANHANGAD, KANHANGAD P.O.,**
**KASARAGOD DISTRICT., PIN - 671315**

2 **LOCAL LEVEL MONITORING COMMITTEE**
**KANHANGAD MUNICIPALITY, KASARAGOD DISTRICT,**
**REPRESENTED BY ITS CONVENOR, THE AGRICULTURAL**
**OFFICER, KRISHI BHAVAN, KANHANGAD,**
**KASARAGOD DISTRICT, PIN - 671315**

3 **VILLAGE OFFICER**
**KANHANGAD VILLAGE, KANHANGAD P.O., KASARAGOD**
**DISTRICT., PIN - 671315**

4 **KERALA STATE REMOTE SENSING AND ENVIRONMENT**
**CENTRE, 1ST FLOOR, VIKAS BHAVAN,**
**NEAR LEGISLATIVE ASSEMBLY, UNIVERSITY OF**

**KERALA SENATE HOUSE CAMPUS, PMG,**
**THIRUVANANTHAPURAM, KERALA, PIN - 695033**
**REPRESENTED BY ITS DIRECTOR.**

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

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**JUDGMENT**

The petitioner has filed the captioned writ petition, pointing out that she purchased various extents of properties as per Ext.P1 sale deed during 2013, and the property concerned was finding a place in the data bank, erroneously. Therefore, she filed an application seeking to remove the property from the data bank. By Ext.P5, the Revenue Divisional Officer (RDO) rejected the application filed as above, placing reliance on the report submitted by the Agricultural Officer. Though the petitioner submitted another application as evidenced by Ext.P6, that is also seen rejected pursuant to Ext.P8, in spite of certain positive findings in favour of the petitioner in Ext.P7 report. It is in such circumstances that the captioned writ petition is filed by the petitioner.

2. I have heard Sri.Babu Joseph Kuruvathazha, the learned counsel for the petitioner and Sri.E.G.Gorden, the learned Senior Government Pleader.

3. A perusal of the sale deed at Ext.P1, true, as rightly contended by Sri.Babu, would show that the property had more

than 140 coconut trees. The age of the afore coconut trees was in the range of 35 to 40 years, as admitted in Exts.P4 and P7 reports. It is on the face of the afore, the adverse findings at Exts.P5 and P8 are rendered by the RDO.

4. In the light of the afore, I am of the opinion that the consideration made while issuing Exts.P5 and P8 has been made without any proper appreciation of the documents/reports relied on by the petitioner.

5. In the result, I am of the opinion that the matter requires a revisit at the hands of the 1st respondent herein. So as to facilitate the above, Exts.P5 and P8 issued by the 1st respondent would stand set aside. The 1st respondent is directed to take note of the findings contained in Exts.P4 and P7 and process the application filed by the petitioner, seeking to remove the property concerned from the data bank afresh, after granting the petitioner an opportunity of being heard and also after obtaining the report from the Kerala State Remote Sensing and Environment Centre (KSREC), as expeditiously as possible, at any rate, within a period of 12 weeks from today.

6. Needless to say that the petitioner is to satisfy the fee for obtaining the report from the KSREC.

This writ petition is disposed of as above.

Sd/-

**HARISANKAR V. MENON**
**JUDGE**

anm

**APPENDIX OF WP(C) 38465/2023**

**PETITIONER'S EXHIBITS**

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|---|---|
| **Exhibit P1** | **TRUE COPY OF DOCUMENT NO.4464/2013 DATED 15.11.2013 OF THE SUB REGISTRY, KANHANGAD.** |
| **Exhibit P2** | **ORIGINAL PHOTOGRAPHS EVIDENCING THE GROWTH OF THE COCONUT TREES HAVING THE AGE OF MORE THAN 42 YEARS GROWN IN THE PROPERTY COMPRISED IN EXT.P1.** |
| **Exhibit P3** | **TRUE COPY OF THE RECEIPT NO.870 DATED 26.8.2017 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT.** |
| **Exhibit P4** | **TRUE COPY OF THE REPORT NO.F 2101/2020 OF THE 2ND RESPONDENT ISSUED TO THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT, ON 5.11.2021.** |
| **Exhibit P5** | **TRUE COPY OF THE ORDER NO.F.2101/2020/ K.DIS DATED 15.3.2021 ISSUED BY THE 1ST RESPONDENT.** |
| **Exhibit P6** | **TRUE COPY OF THE APPLICATION DATED 4.3.2022 IN FORM 5 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.** |
| **Exhibit P7** | **TRUE COPY OF THE REPORT BEARING REF.NO.KBKHD DB/13/2023-24 DATED 20.5.2023 SUBMITTED BY THE 2ND RESPONDENT.** |
| **Exhibit P8** | **TRUE COPY OF THE ORDER NO.2468/2023 DATED 26.10.2023 ISSUED BY THE 1ST RESPONDENT.** |
| **Exhibit P9** | **TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN APARNA SASI MENON V. REVENUE DIVISIONAL OFFICER (ILR 2023 (4) KERALA 382).** |