

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 31ST DAY OF AUGUST 2017/9TH BHADRA, 1939

WP(C).No. 29153 of 2017 (T)

PETITIONER :

SAJINA M.P.,
D/O. KUNHIRAMAN, AGED 36 YEARS,
MOYACHERI HOUSE,
IRINGAL,
KOTTAKKAL POST, KOZHIKODE DISTRICT, PIN 673 521.

BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN

RESPONDENT :

THE LOCAL LEVEL MONITORING COMMITTEE,
VATAKARA MUNICIPALITY
REPRESENTED BY ITS CONVENOR,
AGRICULTURAL OFFICER,
KRISHI BHAVAN, VATAKARA,
KOZHIKODE DISTRICT, PIN 673 521.

BY GOVERNMENT PLEADER SMT.VINEETHA HARIRAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-08-2017, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29153 of 2017 (T)

APPENDIX

PETITIONER'S EXHIBITS :-

- EXHIBIT P1 TRUE COPY OF THE SALE DEED REGISTERED AS DOC.NO 1876/2005 OF VATAKARA SRO.
- EXHIBIT P2 TRUE COPY OF POSSESSION CERTIFICATE DATED 31-07-2017 ISSUED BY THE VILLAGE OFFICER, VATAKARA
- EXHIBIT P3 TRUE COPY OF LOCATION SKETCH DATED 31-07-2017 ISSUED BY VILLAGE OFFICER, VATAKARA
- EXHIBIT P4 TRUE COPY OF RELEVANT PAGE OF THE DRAFT DATA BANK PREPARED UNDER ACT 28 OF 2008
- EXHIBIT P5 TRUE COPY OF APPLICATION DATED 24-08-2117 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT UNDER RULE 4 (5 TO 7) OF KERALA CONSERVATION OF PADDY LAND AND WETLAND RULES, 2008

RESPONDENT'S EXHIBITS :- NIL.

True copy

P.A. to Judge

K. VINOD CHANDRAN, J.

W.P.(C) No. 29153 of 2017 (T)

Dated this the 31st day of August, 2017

J U D G M E N T

The petitioner is aggrieved with the fact that the land, owned by the petitioner, having an extent of 16.3 ares, comprised in Survey No.29/2B2 of Vatakara Village, is shown as 'nilam' in the village records and basic tax register. The property of the petitioner is described as 'wet land' in the data bank prepared under Section 5(4)(i) of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. The petitioner filed Ext.P5 application, before the respondent, which is pending consideration. The prayer of the petitioner is to direct the Local Level Monitoring Committee, the respondent herein, to consider and dispose of Ext.P5 application within a reasonable time.

2. In such circumstance, the respondent is directed to consider the request under the amendment G.O.(P) No.34/2017/Revenue dated 30.05.2017 for removing the property from the data bank after conducting site inspection and ascertaining the nature of land as on the date of enforcement of

the Kerala Conservation of Paddy Land and Wet Land Act, 2008 and with report received from the Kerala State Remote Sensing and Environment Center (KSREC), if the application is filed in original and pending before the authority.

3. The petitioner shall produce a copy of the writ petition before the Agricultural Officer, the Convener of the Local Level Monitoring Committee, along with the copy of the Field Measurement Book and Survey and Sub-division numbers with respect to the property obtained from the concerned Village Officer. The Agricultural Officer, shall seek a report of the lie and nature of the property as it remained on the date of coming into force of the Kerala Conservation of Paddy Land and Wet Land Act, 2008, from the Director, Kerala State Remote Sensing and Environment Center (KSREC), Vikas Bhavan, C-Block, Thiruvananthapuram, Kerala 695 033. On the direction of the Agricultural Officer so to do, the petitioner shall remit the required fees in the name of the petitioner, C/o. the concerned Agricultural Officer (showing the full address) before the KSREC for obtaining such report and produce such receipt before the

Agricultural Officer. The Agricultural Officer shall then obtain the report and map from the KSREC, who shall issue the same on the strength of the receipt produced by the Agricultural Officer. The Agricultural Officer, on receipt of the report, shall require the LLMC to conduct physical inspection of the property and then the LLMC shall consider the application at Ext.P5 in accordance with law. If the LLMC permits it, the petitioner also could then take up appropriate proceeding before the Revenue Divisional Officer/District Collector to obtain conversion of user under Clause (6) of the Kerala Land Utilization Order, 1967, in accordance with **M.K.Shivadasan v. Revenue Divisional Officer – 2017 (3) KLT 822.**

The writ petition is disposed of as above. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE

skj 31/8/17