

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. 29012 of 2017 (B)

PETITIONERS :

1. PRAN PRAKSH,
AGED 43 YEARS, S/O. JYOTHIPRAKASH,
POOVATUM KADAVIL HOUSE,
KODUNGALLOOR P.O. – 680 664.
2. SANDHYA PRAN,
W/O. PRAN PRAKASH, AGED 36 YEARS,
POOVATHUM KADAVIL HOUSE,
KODUNGALLOOR P.O – 680 664.

BY ADV. SRI.N.B.ANOOP

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
THRISSUR – 680 001.
2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR – 680 001.
3. THE TAHSILDAR,
KODUNGALLOOR – 680 664.
4. THE VILLAGE OFFICER,
METHALA VILLAGE – 680 663.
5. THE LOCAL LEVEL MONITORING COMMITTEE,
KODUNGALLOOR MUNICIPALITY,
REP. BY ITS CONVENER,
(THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, METHALA,
THRISSUR DISTRICT), PIN – 680 664.
6. SECRATARY KODUNGALLOOR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
KODUNGALLOOR, THRISSUR – 680 664.
7. THE SECRETARY KODUNGALLOOR MUNICIPALITY,
THRISSUR – 680 664.

BY GOVERNMENT PLEADER SMT.VINEETHA HARIRAJ
BY SRI.K.A.NOUSHAD

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

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APPENDIX

PETITIONERS' EXHIBITS :-

EXHIBIT P1 TRUE COPY OF THE RECEIPT DATED 24.4.2017.

EXHIBIT P1(A) TRUE COPY OF TAX RECEIPT DATED 04.1.2017.

EXHIBIT P2 TRUE COPY OF THE RELEVANT PAGES OF THE DATA BANK.

EXHIBIT P3 A TRUE COPY OF THE JUDGMENT OF THIS COURT IN W.P.(C)No.19702/2017
DATED 14.6.2017.

EXHIBIT P4 TRUE COPY OF THE REPRESENTATION BEFORE THE 2ND RESPONDENT DATED
08.8.2017.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A. to Judge

K. VINOD CHANDRAN, J.

W.P.(C) No. 29012 of 2017 (B)

Dated this the 31st day of August, 2017

J U D G M E N T

The petitioners are aggrieved with the fact that the land, owned by the petitioners, having a total extent of 50 cents, comprised in Survey No.45/3 of Methala Village, is shown as 'nilam' in the village records and basic tax register. The property of the petitioner is not included in the draft data bank prepared under Section 5(4)(i) of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. The petitioners' property is lying as a pucca garden land for the past several years, is the contention raised. The petitioner filed Ext.P4 application, before the 2nd respondent, which is pending consideration. The prayer of the petitioner is to direct the Revenue Divisional Officer (RDO), the 2nd respondent herein, to consider and dispose of Ext.P4, an application filed under Clause (6) of the Kerala Land Utilization Order, 1967, (for brevity "KLU Order"), within a reasonable time.

2. Since the land is not included in the draft data bank and the description is shown as 'nilam' in the Basic Tax Register (B.T.R), it is only proper that a report is received from the Local Level Monitoring Committee (LLMC) and Kerala State Remote Sensing and Environment Center (KSREC) before consideration of Ext.P4 application by the 2nd respondent, if the same is filed in original and pending before the authority.

3. The petitioners shall produce a copy of the writ petition before the Agricultural Officer, the Convener of the LLMC, 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 then 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

petitioners shall remit the required fees in the name of the petitioners, 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 submit a report before the RDO as to the lie and nature of the property, as it exists at present, along with the report from the KSREC. A copy of the report of physical inspection conducted by the LLMC and of the report of the KSREC shall be issued to the petitioners on an application made.

4. On receipt of the report of the LLMC, along with the satellite map and report forwarded by the KSREC, the 2nd respondent shall issue notice to the petitioners and consider the application, within a period of two months from the date of receipt of the report of the Agricultural Officer, in accordance with

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KLT 822.

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

Sd/-
K.VINOD CHANDRAN,
JUDGE

skj 31/8/17