

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

WP(C).No.17213 OF 2020(B)

PETITIONER:

SAJU AUGUSTINE,
AGED 56 YEARS
S/O. K.T.AUGUSTINE (LATE), KOORAN KALLUKARAN HOUSE,
KIDANGOOR POST, ERNAKULAM DISTRICT, PIN-683 572.

BY ADVS.
SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, AGRICULTURE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM DISTRICT,
PIN-695 001.
- 2 THE DIRECTOR
KERALA STATE REMOTE SENSING AND ENVIRONMENT CENTER,
IST FLOOR, VIKAS BHAVAN, NEAR LEGISLATIVE ASSEMBLY,
UNIVERSITY OF KERALA SENATE HOUSE CAMPUS, PMG,
THIRUVANANTHAPURAM DISTRICT, PIN-695 033.
- 3 THE REVENUE DIVISIONAL OFFICER
FORT KOCHI, REVENUE DIVISIONAL OFFICE, KB JACOB ROAD,
FORT KOCHI, KOCHI HEAD POST,
ERNAKULAM DISTRICT, PIN-682 001.
- 4 THE VILLAGE OFFICER
ANGAMALY, VILLAGE OFFICE, ANGAMALY, CIVIL STATION,
ANGAMALY POST, ERNAKULAM DISTRICT, PIN-683 572.
- 5 LOCAL LEVEL MONITORING COMMITTEE
ANGAMALY MUNICIPALITY, REPRESENTED BY ITS CONVENER
(AGRICULTURAL OFFICER), KRISHI BHAVAN, ANGAMALY,
CIVIL STATION, ANGAMALY POST,
ERNAKULAM DISTRICT, PIN-683 572.

SRI.K.J.MANU RAJ, GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26.08.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

=====

W.P(C) No.17213 of 2020

=====

Dated this the 26th day of August, 2020

JUDGMENT

The prayers in the above Writ Petition (Civil) are as follows :

- “i. To issue a Writ of certiorari or any other appropriate writ or order or direction, quashing Exhibit P1 to the extent to which, the land of the petitioner is included as paddy land/ wetland in the Data Bank prepared by the 5th respondent;
- ii. To declare the land of the petitioner in the application as unnotified land/dry land and liable to be removed from the Data Bank prepared by the 5th respondent;
- iii. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 5th respondent to permit the petitioner to remit the fee for Satellite Map and submit FMB, within a time frame fixed by this Hon'ble Court;
- iv. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 4th respondent to issue a certified copy of FMB when LLMC demands, within a time frame fixed by this Hon'ble Court;
- v. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 5th respondent to apply for Satellite Map and Report, within a time frame fixed by this Hon'ble Court;
- vi. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 2nd respondent to issue satellite Map and Report immediately after LLMC applies, within a time frame fixed by this Hon'ble Court;
- vii. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 5th respondent to dispose off Ext.P2, the application for excluding the land of the petitioner from Data Bank, after conducting site inspection of the land along with verifying the KSREC Report if available, within a time frame fixed by this Hon'ble Court;

- viii. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 5th respondent to dispose off Ext.P2, the application for excluding the land of the petitioner from Data Bank, by inspecting the land and without insisting for FMB/KSREC report, if not available, within a time frame fixed by this Hon'ble Court;
- ix. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 5th respondent to correct the Data Bank by excluding the land of the petitioner from Data Bank, and publish an erratum notification in Kerala Gazette for the same without delay, if the Data Bank was published;
- x. To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the respondents to communicate the orders, steps taken to dispose off Ext.P2, and issue copy of the documents leading to the order without any delay;
- xi. And to pass such other appropriate orders or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. Heard Sri.Avaneesh Koyikkara, learned counsel appearing for the petitioner and Sri.K.J.Manu Raj, learned Government Pleader appearing for the respondents.

3. The case of the petitioner is that though the subject property continues to be described as 'Nilam/Paddy Land' in the Basic Tax Register (BTR), the same has been converted as 'Garden Land' or 'Purayidom', much prior to 12.08.2008 (date of coming into force of the Kerala Conservation of Paddy Land and Wetland Act, 2008). Further that, the property has been included in the data bank as converted land prior to 2008. That the petitioner has now submitted Ext.P-2 application dated 18.07.2019 before the 5th respondent-Local Level Monitoring Committee.

4. Accordingly, it is ordered that on the petitioner filing Ext.P-2 application dated 18.07.2019 for exclusion of the subject property from the land data bank, the 5th respondent will take up for consideration the said request made by the petitioner without any further delay and after conducting an inspection of the subject property with due prior notice to the petitioner and after ensuring that copy of the inspection report is given to the petitioner in advance and after following any other procedural formalities and thereafter should afford a reasonable opportunity of being heard to the petitioner through authorized representative/counsel, if any and then should take a considered decision on the said plea of the petitioner for exclusion of the subject property from the land data bank, without much delay, preferably within a period of two months from the date of submission of such application along with a certified copy of this judgment.

With these observations and directions, the above Writ Petition (Civil) will stand finally disposed of.

Sd/-

**ALEXANDER THOMAS
JUDGE**

vgd

APPENDIX

PETITIONER'S/S EXHIBITS:

- | | |
|-------------------|--|
| EXHIBIT P1 | THE TRUE COPY OF THE RELEVANT PAGES OF THE
DATA BANK ISSUED BY THE 5TH RESPONDENT ON
16.7.2020. |
| EXHIBIT P2 | THE TRUE COPY OF THE APPLICATION FOR
REMOVAL OF THE ENTRIES ABOUT PETITIONERS
LAND FROM DATA BANK SUBMITTED BEFORE 5TH
RESPONDENT ON 18.7.2019. |