

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 31ST DAY OF AUGUST 2021 / 9TH BHADRA, 1943

WP (C) NO. 16709 OF 2021

PETITIONER:

JEELANI TRUST

REG NO.0569/4/6, JEELANI SHAREEF, EAST DESOM, DESOM P.O.,
ALUVA-683 102, REPRESENTED BY ITS GENERAL SECRETARY,
HUSSAIN KUTTY @ HUSSAIN AL QASMI, AGED 64 YEARS, S/O.
ABOOBACKER, CHERUPOOLANGAL, SOUTH KODUVALLY, KODUVALLY
P.O., KIZHAKKOTH, AVILORA, KOZHIKODE-673 572

BY ADVS.

RAAJESH S.SUBRAHMANIAN
K.K.AJI KUMAR
V.R.RAJESH

RESPONDENTS:

1 REVENUE DIVISIONAL OFFICER
FORT KOCHI, ERNAKULAM-682 001

2 LOCAL LEVEL MONITORING COMMITTEE (LLMC),
CHENGAMANAD GRAMA PANCHAYATH, REPRESENTED BY ITS
CONVENER, AGRICULTURAL OFFICER, KRISHI BHAVAN,
CHENGAMANAD, ALUVA-683 102

3 VILLAGE OFFICER,
CHENGAMANADU VILLAGE, CHENGAMANAD, ALUVA-683 102

OTHER PRESENT:

SRI. P.S. APPU-G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.08.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is the owner in possession of 1 hectare 11 Ares 29 Square meters of land in Re-survey No.345/3-2 of Chengamanad Village in Aluva Taluk of Ernakulam District. The property of the petitioner is a garden land. The petitioner confines his relief for an expeditious consideration of Exts.P2 and P3 applications in Form Nos.5 and 7 under the Kerala Conservation of Paddy land and Wetland Act, 2008, seeking deletion of entry relating to the subject property from the data bank and seeking permission for use of land for other purposes. According to the petitioner, the property is garden land and has been erroneously included in the data bank.

2. Having heard the learned Government Pleader also and without expressing any view on the merits of the matter, this writ petition is disposed of directing the 1st respondent to initially consider Ext.P2 application (Form No.5), after obtaining and verifying the relevant materials and reports

from the LLMC and to pass appropriate orders thereon. The reports of the KSRSEC shall also be obtained and the petitioner shall remit the necessary fees for the same. If orders are passed excluding the property from the data bank, then Ext.P3 application (Form No.7) shall also be taken up for consideration and appropriate orders shall be passed thereon. The RDO shall consider all relevant matters and shall obtain reports from the concerned Village Officer as well. The entire proceedings shall be completed within a period of four months from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

Sd/-

**ANU SIVARAMAN
JUDGE**

bng/09.09.2021

APPENDIX OF WP(C) 16709/2021

PETITIONER EXHIBITS

Exhibit P1 TRUE PHOTOSTAT COPY OF THE LAND TAX RECEIPT EVIDENCING PAYMENT OF LAND TAX DATED 02.07.2021 BEARING NO.KL07040104863/2021

Exhibit P1A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF DATA BANK OBTAINED UNDER THE RTI ACT

Exhibit P2 TRUE PHOTOCOPY OF FORM-5 DATED 13.10.2020 ALONG WITH RECEIPT EVIDENCING PAYMENT OF APPLICATION FEE DATED 12.10,2020

Exhibit P3 TRUE PHOTOCOPY OF THE APPLICATION DATED 13.10.2020 IN FORM 7 SUBMITTED BEFORE THE 1ST RESPONDENT ALONG WITH THE RECEIPT OF PAYMENT OF FEES DATED 13.10.2020

Exhibit P4 TRUE PHOTOCOPY OF THE REPORT BEARING NO.349/2020 DATED 30.10.2020 PREPARED BY THE 3RD RESPONDENT

Exhibit P5 TRUE PHOTOCOPY OF THE RECEIPT DATED 04.08.2021 EVIDENCING PAYMENT OF FEES FOR OBTAINING SATELLITE IMAGE FROM KSREC