

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF JUNE 2017/9TH ASHADHA, 1939

WP(C) .No. 21728 of 2017 (M)

PETITIONER:

SR.MERCY ABRAHAM,
SISTER SUPERIOR AUXILIUM CENTRE,
SALESIAN SISTERS OF DON BOSCO
KIDANGOOR, ANGAMALY, PIN 683 572

BY ADVS.SRI.VARGHESE K.PAUL
SRI.PETER KURIAN

RESPONDENT(S) :

- 1.THE DISTRICT COLLECTOR, ERNAKULAM,
O/O DISTRICT COLLECTOR, DISTRICT COLLECTORATE,
KAKKANAD PIN 682030.
- 2.REVENUE DIVISIONAL OFFICER,
O/O REVENUE DIVISIONAL OFFICER,
FORT KOCHI 682 001
- 3.THE LOCAL LEVEL MONITORING COMMITTEE,
THURAVOOR GRAMA PANCHAYAT,
THURAVOOR, PIN 683572
REPRESENTED BY ITS CONVENER,
THE AGRICULTURAL OFFICER,
THURAVOOR GRAMA PANCHAYAT
- 4.THE AGRICULTURAL OFFICER,
THURAVOOR, O/O THE AGRICULTURAL OFFICER,
THURAVOOR, ANGAMALY, PIN 683572
- 5.THE SECRETARY,
THURAVOOR GRAMA PANCHAYAT
THURAVOOR, PIN 683572

R1 TO R4 BY GOVERNMENT PLEADER SMT VINEETHA HARIRAJ
R5 BY ADV. SRI.ISSAC.M.PERUMPILLIL, SC,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-06-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.V.

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXHIBIT P1 THE TRUE COPIES OF THE LAND TAX-PAID-RECEIPTS OF
 THE FOR THE YEAR 2016-17
- EXHIBIT P2 THE TRUE COPY OF ACKNOWLEDGMENT DATED 30-05-2016
- EXHIBIT P3 THE TRUE COPY OF LETTER OF THE 5TH
 RESPONDENT,REJECTING THE APPLICATION FOR BUILDING
 PERMIT DATED 26-05-2016
- EXHIBIT P4 THE TRUE COPY OF THE CERTIFICATE OF LLMC
 DATED 24-03-2017
- EXHIBIT P5 THE TRUE COPY OF APPLICATION SUBMITTED BY THE
 PETITIONER BEFORE THE 2ND RESPONDENT
 DATED 03-04-2017
- EXHIBIT P6 THE TRUE COPY OF APPLICATION SUBMITTED BEFORE THE
 1ST RESPONDENT FOR PERMISSION TO UTILIZE THE LAND
 FOR OTHER PURPOSE DATED 16-05-2017
- EXHIBIT P6 (A) THE TRUE COPY OF ACKNOWLEDGMENT DATED 16-05-2017
- EXHIBIT P7 THE TRUE COPY OF THE LETTER OF THE 1ST RESPONDENT
 ADDRESSED TO THE PETITIONER DATED 01-06-2017

RESPONDENT(S) ' EXHIBITS NIL

/TRUE COPY/

P.S.TO JUDGE

K.V.

K. VINOD CHANDRAN, J.

W.P.(C) No. 21728 of 2017 (M)

Dated: 30th June, 2017

J U D G M E N T

The petitioner is aggrieved with the fact that the land, owned by the petitioner, having a total extent of 03.53.14 hectares, comprised in Survey Nos.196, 197 & 191 of Thuravoor Village, is shown as 'nilam' in the village records and basic tax register. The said property of the petitioner is included in the draft data bank prepared under Section 28 of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. The petitioner's property is lying as a pucca garden land and there are different types of trees in the said property, is the contention raised. The petitioner filed Ext.P6 application, before the 1st respondent. The 1st respondent District Collector, by Ext.P7 communication, directed the petitioner to approach the Government for change of user. The prayer of the petitioner is to direct the

District Collector, the 1st respondent herein, to re-consider and dispose of Ext.P6, 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 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.P6 application by the 1st respondent, if the same 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 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 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 submit a report before the District Collector 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 petitioner 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 1st respondent shall issue notice to the petitioner and consider the application, within a period of two months from the date of receipt of the report of the Agricultural Officer.

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

Sd/-
K.VINOD CHANDRAN,
JUDGE