

Chandrika Vs. the Local Level Monitoring Committee

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Court : Kerala

Decided On : Sep-04-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Chandrika

Respondent : The Local Level Monitoring Committee

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON WEDNESDAY, THE 4TH DAY OF SEPTEMBER 2013 13TH BHADRA, 1935 WP(C).No. 21953 of 2013 (T) ----- PETITIONER : ----- CHANDRIKA, AGED 63 YEARS, D/O. KARTHIYANI AMMA, PEREPARAMBIL HOUSE, THEKKENADA, VAIKOM VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT. BY ADVS.SRI.M.G.KARTHIKEYAN SRI.NIREESH MATHEW RESPONDENT(S): ----- 1. THE LOCAL LEVEL MONITORING COMMITTEE, VAIKOM MUNICIPALITY, KOTTAYAM DISTRICT, REPRESENTED BY THE CONVENER, THE AGRICULTURAL OFFICER, VAIKOM - 696 141, KOTTAYAM DISTRICT.

2. THE AGRICULTURAL OFFICER, KRISHI BHAVAN, VAIKOM - 696 141, KOTTAYAM DISTRICT.

3. THE TAHSILDAR, VAIKOM - 696 141, KOTTAYAM DISTRICT.

4. THE REVENUE DIVISIONAL OFFICER, PALA-686 575, KOTTAYAM DISTRICT.

5. THE DISTRICT COLLECTOR, KOTTAYAM. PIN-686 002 R1 TO R5 BY SR GOVERNMENT PLEADER SRI. JOSEPH GEORGE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2013, ALONG WITH WP(C) NO. 21965 OF 2013 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts WP(C). No. 21953 of 2013 (T) -----
APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT-P1- TRUE COPY OF THE RELEVANT PAGES OF THE DATA BANK ENTRY. EXHIBIT-P2- TRUE COPY OF THE APPLICATION DATED 01/07/2013 SUBMITTED BEFORE THE 1ST RESPONDENT. EXHIBIT-P3- TRUE COPY OF THE RECEIPT DATED 01/07/2013 EVIDENCING THE ACCEPTANCE OF EXT-P2. EXHIBIT-P4- TRUE COPY OF THE LETTER DATED 01/07/2013 SUBMITTED BEFORE THE 2ND RESPONDENT. EXHIBIT-P5- TRUE COPY OF THE

JUDGMENT

DATED 07/06/2013 IN W.P(C) 24568/2012 PASSED BY THIS HON'BLE COURT. EXHIBIT-P6- TRUE COPY OF THE

JUDGMENT

DATED 27/08/2013 IN W.P(C) 19564/2013 PASSED BY THIS HON'BLE COURT. RESPONDENT(S)' EXHIBITS: NIL /TRUE COPY/ P.A. TO JUDGE sts P.R. RAMACHANDRA MENON, J.

----- W.P.(c) Nos. 21953 & 21965 OF 2013 -----
----- Dated this the 4th day of September, 2013 -----

JUDGMENT

The petitioners in these cases are the owners of different extents of land comprised in the concerned survey numbers in the concerned villages. The case of the petitioners is that the properties are not 'paddy lands' or 'wet lands' as defined under Section 2 (xii) or 2 (xviii) of Act 28 of 2008, which according to the petitioners are reclaimed lands ('Nilam Nikathu properties'). The contention of the petitioners is that, in view of the adverse entries showing the properties as 'Nilam'

in the BTR/Thandapper Register, the petitioners approached the concerned authority for effecting necessary changes . But the petitioners were advised that, only after getting necessary entries corrected in the 'Data Bank Register' by approaching the Local Level Monitoring Committee, that the matter could be considered by the revenue authorities. It is in the said circumstances, that the petitioners have approached the first respondent by filing necessary applications, W.P.(C)No.21953/2013 & 21965/2013 2 as borne by Ext.P2. The prayer is only to cause the same to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well, who submits that the understanding of the petitioners as to the power of the revenue authorities to effect necessary corrections is not fully correct and that the enabling provision under the KLU is to deal with the matter, when the property is not a 'paddy land' or 'wet land' and to grant necessary permit to make use of the property for other purposes, if a proper application is filed in this regard.

3. In view of the limited nature of the relief sought for in these writ petitions to cause the applications preferred before the first respondent to be considered, this Court does not find it necessary to go into any other aspects. Accordingly, these writ petitions are disposed of, directing the first respondent to consider and pass appropriate orders on Ext.P2 preferred by the petitioners. Appropriate orders shall be passed after conducting spot inspection with notice to the parties concerned and after hearing them; at the earliest, at any rate, W.P.(C)No.21953/2013 & 21965/2013 3 within 'six weeks' from the date of receipt of a copy of this judgment. The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the first respondent for further steps. P.R.RAMACHANDRA MENON JUDGE sv. W.P.(C)No.21953/2013 & 21965/2013 4