

Justin, vs State of Kerala,

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Court : Kerala

Decided On : Mar-28-2025

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : WP(C)/12944/2025

Appellant : Justin,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947
PETITIONER: JUSTIN, AGED 45 YEARS S/O. VARGHESE, ALUKKA
PUTHUSSEERY HOUSE, KIDANGOOR P O, ANGAMALLY,
ERNAKULAM DIST, PIN - 683572 BY ADV MEREENA.J.JOSEPH
RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE
SECRETARY, REVENUE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE LAND
REVENUE COMMISSIONER, COMMISSIONERATE OF LAND
REVENUE, PUBLIC OFFICE BUILDING, MUSEUM JUNCTION,
THIRUVANANTHAPURAM, PIN - 695001 3 THE DISTRICT

COLLECTOR, CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682030 4 THE REVENUE DIVISIONAL OFFICER /THE DEPUTY COLLECTOR (L A), RDO U/S 2 (XVA) FOR ALWAYE TALUK, CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682030 5 THE AGRICULTURE OFFICER, OFFICE OF THE AGRICULTURE OFFICE, KRISHI BHAVAN, THURAVOOR P O, ANGAMALLY, PIN - 683572 BY ADV SMT.DEEPA.V, G.P THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is the owner in possession of property having an extent of 3.50 Ares comprised in Survey Nos.130/7-3, The grievance of the petitioner is that, the property of the petitioner has been wrongfully included in the Data Bank as 'Nilam' even though the said land stood reclaimed even prior to the implementation of the Kerala Conservation of Paddy Land and Wetland Act, 2008. Therefore, the petitioner submitted Ext.P1 application in Form 5 on 15.03.2024. The limited prayer sought by the petitioner is to direct the 4th respondent to pass orders thereon within a time frame. After hearing the learned counsel for the petitioner, the learned Government Pleader for the respondents, I am inclined to dispose of this writ petition. Accordingly, it is ordered that, the 5th respondent shall forward a report regarding the nature of the property of the petitioner, to the 4th respondent or the authorized officer under Section 2(xvA) of the Kerala Conservation of Paddy Land and Wetland Act, 2008 within a period of one month from the date of receipt of a copy of this judgment. Thereupon, the 4th respondent or the authorized officer as referred to above shall take up Ext.P1 application and pass appropriate orders thereon in accordance with law, within a period of one month from the date of receipt of such report. In case the report of the 5th respondent is already received by the 4th respondent or the authorized officer, the same shall be disposed of within a period of one month from the date of receipt of a copy of this judgment.

Sd/- ZIYAD RAHMAN A.A. JUDGE scs APPENDIX OF WP(C) 12944/2025
PETITIONER EXHIBITS Exhibit-P1 A TRUE COPY OF THE FORM 5 APPLICATION

FILED BY THE PETITIONER IN RESPECT OF THE PROPERTY COVERED BY
SURVEY . NO.130/7-3, 130/8-4, OF THURAVOOR VILLAGE DATED 15/3/2024
Exhibit-P2 A TRUE COPY OF THE APPLICATION STATUS OF THE FORM 5
APPLICATIONS FILED BY THE PETITIONER DATED 25/3/2025

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