

Hema, vs the District Collector,

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Court : Kerala

Decided On : Apr-10-2025

Judge : Honourable Mr. Justice Harisankar V. Menon

Appeal No. : WP(C)/39302/2023

Appellant : HEMA,

Respondent : The District Collector,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947 WP(C) NO. 39302 OF 2023 PETITIONER: HEMA, AGED 39 YEARS, S/O. KESAVAPILLA, EDARATH HOUSE, SREEVALSAM, KUNNUMPURAM, DESHAM P.O., ALUVA UC COLLEGE, ERNAKULAM, PIN - 683102 BY ADVS. SHAKTHI PRAKASH MUHASIN K.M. AMJATHA D.A. FARHANA K.H. RESPONDENTS: 1 THE DISTRICT COLLECTOR, CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682030 2 THE REVENUE DIVISIONAL OFFICER, FORT KOCHI REVENUE DIVISIONAL OFFICE, K B JACOB ROAD, FORT KOCHI, ERNAKULAM, PIN - 682001 3 THE

TAHSILDAR, ALUVA TALUK OFFICE, 1ST FLOOR, MINI CIVIL STATION, PERIYAR NAGAR, ALUVA, PIN - 683101 4 THE VILLAGE OFFICER, CHENGAMANDU VILLAGE OFFICE, KUNNUMPURAM, DESOM, ALUVA, ERNAKULAM, PIN - 683102 5 THE AGRICULTURE OFFICER, CHENGAMANADU KRISHI BHAVAN, KUNNUMPURAM, ALUVA, PIN - 683102 6 THE DIRECTOR, KERALA STATE REMOTE SENSING AND ENVIRONMENT CENTRE, VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN - 695033 BY ADV. SRI.T.JAYAN, GP. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has filed an application, seeking removal of the properties in his ownership and enjoyment from the databank by filing an application in Form 5 under the provisions of the Kerala Conservation of Paddyland and Wet Land Act, 2008.

2. By Ext.P3, the 2nd respondent has refused to consider the afore and rejected the application filed by the petitioner.

3. This Court notices that the order at Ext.P3 has been

issued only on the basis of the report filed by the Local Level Monitoring Committee (LLMC). No report from the Kerala State Remote Sensing and Environment Centre (KSREC) is seen obtained prior to the issuance of Ext.P3 order. Insofar as the prayer of the petitioner is with respect to a property which is seen included in the databank, in my opinion, the report of KSREC ought to have been obtained. Resultantly, this writ petition would stand disposed of, setting aside Ext.P3. There will be a direction to the 2 nd respondent to consider and pass orders on the Form 5 application filed by the petitioner afresh, after obtaining a report of the KSREC, within a period of 12 weeks from today. Needless to say that the necessary fee for obtaining the report from the KSREC is to be satisfied by the petitioner. Sd/- HARISANKAR V. MENON JUDGE anm APPENDIX OF WP(C)

39302/2023 PETITIONERS EXHIBITS Exhibit P1 TRUE COPY OF THE TAX RECEIPT DATED 13.07.2022 Exhibit P2 TRUE COPY OF THE FORM 5 APPLICATION SUBMITTED BY THE PETITIONER DATED 21.02.2023 Exhibit P3 TRUE COPY OF THE ORDER DATED 12.10.2023 ISSUED BY THE 2ND RESPONDENT Exhibit P4 A COPY OF THE PHOTOGRAPHS OF THE PROPERTY OF THE PETITIONER

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