

Ajitha a. vs the State of Kerala

Ajitha a. vs the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1633745

Court : Kerala

Decided On : May-31-2021

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : WP(C)/10229/2021

Appellant : Ajitha a.

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN
MONDAY, THE 31ST DAY OF MAY 2021 / 10TH JYAISHTA, 1943
WP(C) NO. 10229 OF 2021 PETITIONER: AJITHA A. AGED 54 YEARS
W/O.RAGHUNATH A., MEENAVIHAR, MANAPPUKULIKAVU,
YAKKARA, KUNNATHURMEDU P.O., PALAKKAD - 678 013. BY ADVS.
SRI.SHYAM PADMAN SRI.C.M.ANDREWS SMT.BOBY M.SEKHAR
KUM.LAYA MARY JOSEPH SRI.HARISH ABRAHAM RESPONDENTS:

1 THE STATE OF KERALA DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001 REPRESENTED
BY SECRETARY. 2 KODUMBU GRAMA PANCHAYATH PANCHAYATH

OFFICE, PALAKKAD CHITTUR ROAD, AISWARYA NAGAR, PALAKKAD - 678 551. 3 THE LOCAL LEVEL MONITORING COMMITTEE CONSTITUTED UNDER THE KERALA CONSERVATION OF PADDY LAND AND WETLAND, REPRESENTED BY ITS CHAIRMAN, THE PRESIDENT, KODUMBU GRAMA PANCHAYATH, PANCHAYATH OFFICE, PALAKKAD CHITTUR ROAD, AISWARYA NAGAR, PALAKKAD - 678 551. 4 THE REVENUE DIVISIONAL OFFICER OFFICE OF THE REVENUE DIVISIONAL OFFICER, PARAKKUNNAM, VIDYUT NAGAR, PALAKKAD - 678 001. 5 THE VILLAGE OFFICER KODUMBU VILLAGE OFFICE, COIMBATORE ROAD, KUNNATHURMEDU P.O., PALAKKAD - 678 013. BY GOVT. PLEADER SRI.PAUL ABRAHAM VAKKANAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

===== Dated this the 31st day
of May, 2021

JUDGMENT

Seeking change of nature of the 2.85 Ares of property belonging to the petitioner, he has submitted Ext.P4 application in Form No.6 in terms

of the Kerala Conservation of Paddy 1
petitioner, the application is being unduly kept pending.

2. The property of the petitioner was originally included in the data bank maintained under the Act, but was removed therefrom on his

application, by the Local Level Monitoring Committee after inspection. Ext.P2 is the decision of the Local Level Monitoring Committee ordering exclusion of the

property from the data bank. As is

evident from Ext.P6 communication by

:- 2 :- notification excluding the property from the data bank. The petitioner cannot be put to prejudice by the delay on the part of the concerned to effect the notification. The fact that the Local Level Monitoring Committee has ordered removal of the property from the data bank is not only undisputed, but is affirmed in Ext.P6 communication of the 4 th respondent. The learned counsel for the petitioner has further drawn my attention to Ext.P7 Government

Order which stipulates that applications under

Section 27A of the Kerala Conservation of Paddy land and Wetland Act are not to be kept pending awaiting notifications of orders excluding the property from the data bank, if such orders have already been passed.

3. In the circumstances, the writ petition is

disposed of directing the fourth respondent to consider Ext.P4 application in Form No.6 on its merits and pass appropriate orders, on verification of the relevant records including Ext.P2 order of the Local Level Monitoring Committee excluding the property from the data bank. Let orders be passed :- 3 :- within a period of two months from the date of receipt of a copy of this judgment. Sd/- SATHISH NINAN JUDGE
kns/- //True Copy// P.S. to Judge
APPENDIX OF WP(C) 10229/2021
ANNEXURE/EXHIBITS
EXHIBIT P1 TRUE COPY OF THE APPLICATION DATED 24/08/2017 SUBMITTED BY THE PETITIONER UNDER THE KERALA CONSERVATION OF PADDY AND WETLAND RULES, 2008 BEFORE THE 3RD RESPONDENT. EXHIBIT P2 TRUE COPY OF THE ORDER DATED 30/10/2019 OF THE 3RD RESPONDENT. EXHIBIT P3 TRUE COPY OF THE COMMUNICATION DATED EXHIBIT P4 TRUE COPY OF THE APPLICATION DATED 07/09/2020 SUBMITTED BY THE PETITIONER UNDER S.27A OF THE KERALA CONSERVATION OF PADDYLAND AND WETLAND ACT, 2008 IN FORM NO.6. EXHIBIT P5 TRUE COPY OF THE REPORT DATED 01/10/2020 SUBMITTED BY THE 5TH RESPONDENT BEFORE THE 4TH RESPONDENT.

EXHIBIT P6 TRUE COPY OF THE ORDER DATED 08/01/2021 OF THE PETITIONER. EXHIBIT P7 TRUE COPY OF THE CIRCULAR DATED 30/04/2020 ISSUED BY THE 1ST RESPONDENT. -----

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com