



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 7<sup>TH</sup> DAY OF APRIL 2025 / 17TH CHAITHRA, 1947WP(C) NO.38942 OF 2023PETITIONER(S) :

JOSHILA,  
AGED 43 YEARS, W/O.PRASANNAKUMAR, VALAVATH HOUSE,  
THEKKUMMURI P.O., MALAPPURAM DISTRICT, PIN - 676105.

BY ADV K.K.MOHAMED RAVUF

RESPONDENT(S) :

- 1 THE REVENUE DIVISIONAL OFFICER,  
KOZHIKODE, OFFICE OF THE REVENUE DIVISIONAL OFFICER,  
CIVIL STATION, ERANHIPALAM, KOZHIKODE, PIN - 673020.
- 2 THE AGRICULTURAL OFFICER,  
KRISHI BHAWAN, OFFICE OF THE AGRICULTURAL OFFICER,  
RAMANATTUKARA, KOZHIKODE DISTRICT, PIN - 673633.
- 3 THE VILLAGE OFFICER,  
RAMANATTUKARA VILLAGE OFFICE, RAMANATTUKARA,  
KOZHIKODE DISTRICT, PIN - 673633.

OTHER PRESENT :

SRI E G GORDEN SR GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

Petitioner has filed Ext.P4 application in Form 5 of the Kerala Conservation of Paddy Land and Wetland Act, 2008, seeking removal of the properties mentioned therein from the data bank. The Revenue Divisional Officer-the 1<sup>st</sup> respondent herein-issued Ext.P6 order dated 22.04.2023, rejecting the application filed, as above. It is in the afore circumstances that the captioned writ petition is filed by the petitioner.

2. Heard Sri.K. K. Mohamed Ravuf, learned counsel for the petitioner and Sri.E.G.Gorden, learned Senior Government Pleader.

3. With reference to the photographs at Ext.P3, the learned counsel for the petitioner would contend that the findings in Ext.P5 report dated 27.07.2022 ought to have been appreciated. He would, therefore, point out that the property in question could not have been included in the data bank under any circumstances, and hence the application at Ext.P4 ought to have been allowed, especially in the light of



the fact that the surrounding properties are not paddy fields, and were admittedly having contract buildings.

4. I notice that Ext.P6 has been issued solely on the basis of Ext.P5 report. The report of the Kerala State Remote Sensing and Environment Centre (KSREC), as well as the impact of Ext.P3 photographs with specific reference to the inspection of the property in question, is not seen carried out. Similarly, the lie and nature of the neighbouring properties was also not taken into account while issuing the order at Ext.P6.

5. Therefore, Ext.P6 order herein requires a reconsideration at the hands of the 1<sup>st</sup> respondent. To facilitate the afore, Ext.P6 is *set aside*. The 1<sup>st</sup> respondent is directed to reconsider the Form 5 application filed by the petitioner, after obtaining the report of the KSREC, as expeditiously as possible, at any rate within a period of twelve weeks from today and also taking into account the lie and nature of the property in question as well as the neighbouring properties. The petitioner would also be entitled to rely on



the judgment of this Court in **Niyas v. District Collector, Palakkad [2023 (6) KLT 118]** and **Jessy Abraham v. Land Revenue Commissioner [2022 (1) KLT 461]**

Needless to say, the petitioner is to remit the fee for obtaining the report from the KSREC.

**Sd/-**  
**HARISANKAR V. MENON**  
**JUDGE**

Skk

APPENDIX OF WP(C) NO.38942 OF 2023PETITIONER'S EXHIBITS:

- |            |                                                                                                                            |
|------------|----------------------------------------------------------------------------------------------------------------------------|
| EXHIBIT P1 | TRUE COPY OF THE SALE DEED NO. 1404/2008 OF<br>SUB REGISTRAR'S OFFICE, FEROKE                                              |
| EXHIBIT P2 | TRUE COPY OF THE SALE DEED NO. 3813/2010 OF<br>SUB REGISTRAR'S OFFICE, FEROKE                                              |
| EXHIBIT P3 | TRUE PHOTOGRAPHS SHOWING THE PROPERTY OF<br>THE PETITIONER AND RESIDENTIAL AND<br>COMMERCIAL BUILDINGS IN THE SURROUNDINGS |
| EXHIBIT P4 | A TRUE COPY OF THE APPLICATION DATED<br>18.5.2022 IN FORM 5 SUBMITTED BY THE<br>PETITIONER BEFORE THE 1ST RESPONDENT       |
| EXHIBIT P5 | A TRUE COPY OF THE REPORT DATED 27/7/2022<br>OF THE 2ND RESPONDENT                                                         |
| EXHIBIT P6 | TRUE COPY OF THE ORDER NO. 1222/2023 DATED<br>22.4.2023 OF THE 1ST RESPONDENT                                              |