IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 155 of 2014 (T)

PETITIONER(S):
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1. **K.K.SAMUEL**
   S/O. KOSHY MATHAI, JOHNSON VILLA, PRAMADOM VILLAGE
   MALLASSERY POST, PATHANAMTHITTA DISTRICT.PIN-689646.

2. **ACHAMMA SAMUEL**
   W/O. K.K. SAMUEL, JOHNSON VILLA, PRAMADOM VILLAGE
   MALLASSERY POST, PATHANAMTHITTA DISTRICT-689646.

   BY ADVS.SRI.O.RAMACHANDRAN NAMBIAR
   SRI.GEEN.T.MATHEW

RESPONDENT(S):
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1. **PRAMADOM GRAMA PANCHAYAT**
   LAKKOOR, MALLASSERY POST-689646
   PATHANAMTHITTA DISTRICT.
   REPRESENTED BY THE SECRETARY
   PRAMADOM GRAMA PANCHAYATH, LAKKOOR
   MALLASSERY POST-689646, PATHANAMTHITTA DISTRICT.

2. **THE SECRETARY**
   PRAMADOM GRAMA PANCHAYATH, LAKKOOR
   MALLASSERY POST-689646, PATHANAMTHITTA DISTRICT.

   R1 & 2 BY ADV. SRI.C.A.RAJEEV

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(C).No. 155 of 2014 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1	**:**	**TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, PRAMADOM VILLAGE OFFICE, DATED 21-6-2013.**
EXTP2.	**:**	**TRUE COPY OF THE TAX RECEIPTS ISSUED BY THE RESPONDENTS FOR BUILDING NOS. 1/417 AND 1/418.**
EXTP3.	**:**	**TRUE COPY OF THE BUILDING PERMIT NO. C2.5/232/10 DATED 22-6-2010 ISSUED BY THE 2ND RESPONDENT.**
EXTP4.	**:**	**TRUE COPY OF THE APPLICATION DATED 20-6-2013 FILED BEFORE THE 2ND RESPONDENT.**
EXTP5.	**:**	**TRUE COPY OF THE ORDER NO. C2.3842/13 DATED 27-11-2013 ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS **NIL**

/TRUE COPY/

PA TO JUDGE

VS

A.M.SHAFFIQUE, J

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W.P.(C).No.155 of 2014

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Dated this the 25th day of June, 2015

JUDGMENT

The petitioner had approached this Court challenging Ext.P5 by which the Panchayat had refused to entertain the petitioner's application for correcting the Survey Number and renew the building permit on the ground that the property in Resurvey No.77/10 is recorded as Nilam, in the Basic Tax Register.

2. The facts involved in this writ petition would disclose that the petitioner being in possession of an extent of 12.60 ares in Survey No.77/10 has obtained a building permit as Ext.P3 dated 22.6.2010. The permission was valid only for a period of 3 years. The petitioner had constructed basement in the property. It is stated that a residential building was in existence in the said property as well. However, the period of Ext.P3 had expired and therefore the petitioner applied for renewal of the permit. According to the petitioner, there was a

mistake in Ext.P3 in so far as the Survey Number was shown as 16/1 of the Pramadom Village. Petitioner intended to correct the same by filing Ext.P4 application and seeking for renewal of the permit. This came to be rejected in terms of Ext.P5.

3. The learned counsel appearing for the respondent Panchayat would submit that the petitioner had submitted the application for building permit showing Survey No.16/1 which was allowed in terms of Ext.P3. Therefore when request was made for correcting the Survey Number, an enquiry was conducted and it was found that the property is described as Nilam in the Basic Tax Register. For that reason, the application was rejected and renewal of permit could not be granted under the said circumstances.

4. Having heard the learned counsel for the petitioner and learned counsel appearing for the respondents and after perusal of the records, it is clear that when the property is described as Nilam in the Basic Tax Register, the petitioner has to take steps from the

competent authority for converting the said land and for correcting the Basic Tax Register. As held by the Supreme Court in **Revenue Divisional Officer v. Jalaja Dileep** in [2015(1) KLT 984], appropriate steps have to be taken by the petitioner by invoking the provisions of the Kerala Land Utilization Order and thereafter, take such necessary steps for correcting the Basic Tax Register. After complying with the said requirements of law, the petitioner can as well approach the local authority for permission to construct the building. It is made clear that Ext.P5 shall not stand in the way of the petitioner taking appropriate steps in accordance with law to correct the entry in the Basic Tax Register and thereafter to file a fresh application.

The writ petition is disposed of as above.

Sd/-
A.M.SHAFFIQUE
JUDGE

vs