

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 279 of 2015 (H)

PETITIONER(S):

**S.JOY, AGED 52 YEARS,
S/O.LATE SUKUMARAN, JOY BHAVAN, PATTANKKADU,
ALAPPUZHA DISTRICT, PIN - 688 531.**

BY ADV. SRI.K.B.PRADEEP

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
OFFICE OF THE DIST. COLLECTOR,
ALAPPUZHA, PIN - 688 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE,
ALAPPUZHA, PIN - 688 001.**
- 3. ADDITIONAL THAHASILDHAR,
TALUK OFFICE, CHERTHALA P.O.,PIN 688 524.**
- 4. VILLAGE OFFICER,VAYALAR EAST,
PATTANAKKAD P.O., PIN 688 531.**
- 5. VAYALAR GRAMA PANCHAYATH,
VAYALAR, ALAPPUZHA DIST., PIN - 688 536.**

**R1 TO R4 BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN
R5 BY ADVS. SRI.P.SANTHOSH KUMAR (TR)
SRI.C.H.CHANDRABHANU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 279 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REPORT OF THE ADDITIONAL THAHASILDAR
SUBMITTED BEFORE THE REVENUE DIVISIONAL OFFICER, ALAPPUZHA.**

**EXHIBIT P2: TRUE COPY OF THE CERTIFICATE DATED 15-09-2010 BY REVENUE
DIVISIONAL OFFICER, ALAPPUZHA.**

**EXHIBIT P3: TRUE COPY OF THE COMMUNICATION OF THE SUB COLLECTOR
ALAPPUZHA DATED 22-01-2014 TO DISTRICT COLLECTOR, ALAPPUZHA.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 279 of 2015

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "a) Issue a writ in the nature of mandamus to respondents commanding them to forthwith correct the entries in the Basic Tax Register pertaining/relating to the properties comprised in Sy.No.204/9A, Sy.No.204/10, 204/9B 4, 204/9B 2-3, 204/9B to, and Sy.No.204/9B of Vayalar-East Village, by changing the description of nature of the above described properties of the petitioner, from Nilam to Purayidom.*
- b) Declare that the properties of the petitioner (comprised in Sy.No.204/9A, 204/10, 204/9B 4, 204/9B2-3, 204/9B to, and Sy.No.204/9B of Vayalar - East Village) are to be treated as Purayidom for all intents and purpose."*

2. The learned counsel for the petitioner submits that the relief sought for is with reference to the property which portion is actually not covered by Act 28/2008. But the question to be considered is whether the relief sought for, so as to effect the correction of the BTR can be considered.

3. Heard the learned Government Pleader as well.

4. Today, it is brought to the notice of this Court that, the matter pending before the Apex Court has been finalized

passing the verdict on 10.03.2015, in favour of the Revenue and in turn setting aside the verdict passed by the Division Bench of this Court reported in **RDO vs. Jalaja Dileep [2014 (1) KLT 161]**. In the said circumstances, the relief sought for by the petitioner to correct the BTR is not liable to be entertained. It is declared accordingly. This will not prevent the petitioner for getting appropriate orders by approaching the concerned authorities with reference to the provisions of the KLU as observed by the Apex Court in paragraph 21 of the judgment reported in **Revenue Divisional Officer V. Jalaja Dileep 2015 (1) KLT 984 (SC)**.

The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.