

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C) .No. 1102 of 2015 (K)

PETITIONER(S) :

RAMLATH AGED 38 YEARS
W/O.ABDULKHADER, PPOPPARAMBIL HOUSE, IRUNILAMKODE
MULLOORKKARA, THRISSUR DISTRICT.

BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.

RESPONDENT(S) :

1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR
3. THE VILLAGE OFFICER,
VARAVOOR VILLGE, THRISSUR DISTRICT.
4. THE AGRICULTURAL OFFICER,
VARAVOOR, THRISSUR DISTRICT.

R1-R4 BY GOVERNMENT PLEADER SRI.M.MOHAMMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 1102 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE CERTIFICATE DATED 1.11.2015 ISSUED BY
THE 3RD RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE LETTER DATED 23.05.2014 ISSUED BY THE
SUB REGISTRAR, VADAKKANCHERRY.

EXHIBIT P3: TRUE COPY OF THE APPLICATION DATED 2.6.2014 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE ORDER DATED 1.8.2014 OF THE 2ND
RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

vdv

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.1102 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“1. Call for the records leading to passing of Exhibit P4 from the 2nd respondent and quash Exhibit P4 order of the 2nd respondent by issuing a writ or certiorari or any other appropriate writ, order or direction.

2. Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to change the description of the land of the petitioner covered in Exhibit P1 as Garden land in the Revenue Records.

3. Grant such other relief that this Hon'ble Court deem fit and proper in the circumstances of the case.”

2. The learned counsel for the petitioner submits that the only prayer is to quash Exhibit P4 order and to direct the 2nd respondent to change the description of the land of the petitioner covered in Exhibit P1 as Garden land in the Revenue Records.

2. Heard the learned Government Pleader as well, who submits that by virtue of the law declared by Apex Court as per the decision reported in **Revenue Divisional Officer v. Jalaja Dileep (2015(1) KLT 984) (SC)**, the classification cannot be

changed in the the BTR. However, if a proper application is filed under Clause 6(2) of the KLU Order, it will be considered and appropriate orders will be passed within reasonable time.

3. In the said circumstance, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on the application, if any filed in this regard, by the petitioner, in accordance with law, with reference to Clause 6(2) of the KLU Order, after calling for a report from the 4th respondent with regard to the nature of the land in question and after hearing, in the light of the law declared by the Apex Court as per the decision cited supra. This shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv