

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 1876 of 2015 (H)

PETITIONER(S):

**JACOB JOSEPH JACOB, AGED 57 YEARS,
S/O.JACOB, MOLERA VALIYA VEETIL HOUSE,
ALANGAD, ALUVA.**

BY ADV. SRI.LIFFY P. FRANCIS.

RESPONDENTS:-

- 1. THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, ALANGAD,
ERNAKULAM, PIN - 683 511.**
- 2. THE VILLAGE OFFICER,
VILLAGE OFFICE, ALANGAD, PIN - 683 510.**
- 3. THE CHAIRMAN,
LOCAL LEVEL MONITORING COMMITTEE,
ALANGAD GRAMA PANCHAYATH, ALANGAD, PIN - 683 510.**
- 4. THE REVENUE DIVISIONAL OFFICER,
CHAIRMAN - DISTRICT LEVEL AUTHORISED COMMITTEE,
ERNAKULAM, PIN - 682 032.**
- 5. DISTRICT COLLECTOR,
ERNAKULAM, PIN - 682 001.**

R1, R2, R4 & R5 BY GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. TRUE COPY OF THE SALE DEED NO.8370/2007 OF THE PETITIONER'S PROPERTY DATED 31.12.2007.
- EXHIBIT P2. TRUE COPY OF THE PROPERTY TAX RECEIPT IS DATED 26.06.2012 OF THE PETITIONER'S PROPERTY.
- EXHIBIT P3. TRUE COPY OF PHOTO OF THE PROPERTY OF THE PETITIONER.
- EXHIBIT P4. TRUE COPY OF APPLICATION DATED 22.03.2013 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT RDO.
- EXHIBIT P5. TRUE COPY OF COMMUNICATION DATED 21.12.2013 OF RDO.
- EXHIBIT P6. TRUE COPY OF REPORT DATED 24.12.2013 SUBMITTED BY THE VILLAGE OFFICER, ALANGAD.
- EXHIBIT P7. TRUE COPY OF THE MINUTES OF THE MEETING CONVEYED BY THE LLMC DATED 10.06.2014.
- EXHIBIT P8. TRUE COPY OF REPRESENTATION FILED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, ERNAKULAM ON 08.01.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 1876 of 2015

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Dated, this the 25th day of February, 2015

JUDGMENT

The petitioner is the owner of the property covered by Ext. P1 sale deed in respect of which tax is being satisfied by the petitioner as evident from Ext. P2. Ext. P3 is the photograph showing the lie and location of the property. According to the petitioner, the said land is neither a 'paddy land', nor a 'wet land' as defined under Section 2 (xii) or 2 (xviii) of Act 28 of 2008. The petitioner has filed Ext. P4 application before the 4th respondent/Revenue Divisional Officer so as to cause necessary entries to be corrected, as it has been wrongly shown as paddy land in the data bank register. The petitioner has been let known as per Ext. P5 that the matter has been forwarded to the Village Officer for enquiry and report. Ext. P6 is the report of the Village Officer/2nd respondent, whereby it was informed to the 4th respondent that inclusion of the property in the data bank register was on the basis of some mistake. The factual position as to the physical nature of the property and existence of various improvements and relevant facts and figures were stated in Ext.P6, pointing out that appropriate steps shall be taken to have it deleted

from the data bank register. The learned counsel for the petitioner points out that the matter was considered by the Local Level Monitoring Committee, as borne by Ext.P7, wherein an observation was made in terms of Ext P6, however doubting whether steps could be pursued by the Local Level Monitoring Committee to cause the property to be deleted from the Draft Data Bank Register. Though the petitioner approached the District Collector/5th respondent by filing Ext. P8 representation projecting the grievance, nothing has turned out in the positive. Hence the present writ petition.

2. Heard the learned Government Pleader as well, who submits that nature of the property is shown as 'Nilam' in the revenue records.

3. In the above circumstances, there will be a direction to the 3rd respondent to consider the matter in the light of all the relevant records and take necessary steps to cause the property to be deleted from the data bank register, if the grievance of the petitioner is genuine, as referred to in the relevant proceedings. The proceedings as above shall be finalized, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within six weeks. Based on the orders to be passed above, it is

open for the petitioner to approach the 4th respondent for redressal of further grievance, if any, with regard to the corrections to be made in the BTR, by filing necessary application; upon which the matter shall be considered and appropriate orders shall be passed in the light of the decision rendered by the Division Bench of this Court in **2014 (1) KLT 161 [Revenue Divisional Officer VS. Jalaja Dileep]**. It is open for the petitioner to file necessary application before the 4th respondent under Clause 6 of the KLU, for enabling him to file necessary application before the 4th respondent and to make use of the property for other purposes, than agricultural purpose. It is made clear that the proceedings will be subject to the outcome of the verdict to be passed by the Apex Court in the SLP stated as preferred against the decision cited supra.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

The writ petition stands disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd