

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. 3500 of 2015 (J)

PETITIONER(S) /PETITIONER:

EDASSERY TOWERS PRIVATE LIMITED AGED 60 YEARS
A COMPANY INCORPORATED UNDER COMPANIES ACT 1956
HAVING REGISTERED OFFICE AT ANGAMALY
REPRESENTED BY ITS MANAGING DIRECTOR, E.J.DAVIS
AGED 60, S/O. JOSEPH, EDASSERY VEETIL
ANGAMALY VILLAGE, ALUVA TALUK, PIN CODE-683572.

BY ADVS.SRI.P.VISWANATHAN
SRI.SUNIL N.SHENOI

RESPONDENT(S) /RESPONDENTS:

1. THE DISTRICT COLLECTOR
ERNAKULAM-682001.
2. THE REVENUE DIVISIONAL OFFICER
MUVATTUPUZHA, PIN-682002.
3. THE TAHSILDAR
TALUK OFFICE, KUNNATHUNADU TALUK, ERNAKULAM DISTRICT
PIN-683572.
4. THE VILLAGE OFFICER
KIZHAKKAMBALAM VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT, PIN-683573.

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:

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXT.P1: THE TRUE PHOTOSTAT COPY OF THE SALE DEED NO 2484 OF 1994
OF PUTHENCruz SUB REGISTRY
- EXT.P1(A): THE TRUE PHOTOSTAT OF THE SALE DEED NO 2926 OF 1994 OF
PUTHENCruz SUB REGISTRY
- EXT.P1(B): THE TRUE PHOTOSTAT OF THE SALE DEED NO 3416 OF 1994 OF
PUTHENCruz SUB REGISTRY
- EXT.P1(C): THE TRUE PHOTOSTAT OF THE SALE DEED NO 3417 OF 1994 OF
PUTHENCruz SUB REGISTRY
- EXT.P2: THE TRUE PHOTOSTAT COPY OF THE APPLICATION SUBMITTED
BEFORE THE 4TH RESPONDENT
- EXT.P3: THE TRUE PHOTOSTAT COPY OF THE REPORT SUBMITTED BY THE
4TH RESPONDENT BEFORE THE 3RD RESPONDENT
- EXT.P4: THE TRUE PHOTOSTAT COPY OF THE REPORT SUBMITTED BY THE
3RD RESPONDENT BEFORE THE DISTRICT COLLECTOR, DTD
22/2/2014

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.3500 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. Issue a writ of mandamus or appropriate writ, order or directing directing respondents 1 to 4 to effect necessary correction in the Basic Tax Register.

2. Issue a writ of mandamus or other appropriate order or direction directing respondents 1 to 4 to treat the property covered under Exhibit-P1 series sale deeds as 'dry lands' for all purposes and to make appropriate changes in the revenue records as well as in the data bank.

3. Issue such other reliefs as this Hon'ble Court may deem fit and proper to grant in the circumstances of the case.”

2. The learned counsel for the petitioner submits that the only prayer is to direct respondents 1 to 4 to effect necessary correction in the Basic Tax Register and to treat the property covered under Exhibit-P1 series sale deeds as 'dry lands' for all purposes and to make appropriate changes in the revenue records as well as in the data bank.

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

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