

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3899 of 2015 (J)

PETITIONER(S):

**WILSON K.GEORGE,
FLAT NO.T-D, KENT ILLAM,
VENNALA P.O., ERNAKULAM.**

**BY ADVS.SMT.K.P.SANTHI,
SRI.RILGIN V.GEORGE,
SMT.E.U.DHANYA.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE SUB COLLECTOR,
REVENUE DIVISIONAL OFFICE,
FORTKOCHI-682 001.**

BY GOVT. PLEADER SRI.MOHAMMED SHAFI.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE CERTIFICATE DATED 26/08/2011 ISSUED BY THE
VILLAGE OFFICER, NADAMA.
- EXT.P2 COPY OF THE DRAFT DATA BANK.
- EXT.P3 COPY OF THE APPLICATION DATED 12/01/2015 SUBMITTED TO
RESPONDENT.
- EXT.P4 COPY OF THE BUILDING PERMIT DATED 12/12/2013 OF THE
TRIPUNITHURA MUNICIPALITY.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 3899 of 2015

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Dated, this the 6th day of February, 2015

JUDGMENT

The petitioner is the owner of the property having an extent of 15.27 acres of land comprised in different survey numbers in Nadama Village of Manayannur district. 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, though it has been described as 'Nilam' in the revenue records. Eventhough the petitioner had approached the Revenue Authorities for effecting correction in the BTR, it did not turn to be fruitful. Hence this writ petition.

2. The learned counsel for the petitioner submits that the property has not been included either as 'paddy land' or 'wet land' in the draft Data Bank Register and it has been shown as reclaimed land, as borne by Ext. P2. It is stated that the concerned Village Officer has certified the factual position as above vide Ext. P1. The learned counsel for the petitioner submits that the grievance of the petitioner has already been projected by way of Ext. P3

representation before the second respondent referring to the judicial precedents of this Court and that the petitioner will be satisfied, if a direction is given to the said respondent to consider and pass appropriate orders thereon within reasonable time.

3. Heard the Government Pleader as well.

4. Considering the facts and circumstances, the writ petition is disposed of directing the second respondent to consider and pass appropriate orders on Ext. P3, in accordance with law and in the light of the law declared on the point, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment .

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

The Writ Petition is disposed of.

Sd/-

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

kmd