

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. 4031 of 2015 (D)

PETITIONER :

**M.P. JOY,
S/O.PAULOSE, AGED 72 YEARS,
MUTTAMTHATTIL HOUSE, RAILWAY STATION ROAD,
ANGAMALY - 683 544.**

BY ADV. SRI. JIMMY JOHN VELLANIKAREN

RESPONDENTS :

- 1. STATE OF KERALA,REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**
- 2. DISTRICT COLLECTOR,COLLECTORATE,
KAKKANAD, ERNAKULAM, PIN-683 030.**
- 3. TAHSILDAR,
ALUVA TALUK, ALUVA, PIN-683 101.**
- 4. VILLAGE OFFICER,
CHOWARA VILLAGE,CHOWARA,PIN-683 101.**

BY SENIOR GOVERNMENT PLEADER : SMT. ANITHA RAVINDRAN

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

APPENDIX

PETITIONERS' EXHIBITS

EXT. P1 : TRUE COPY OF THE SALE DEED NO.1864/1/08 DATED 25-4-2008 OF SREEMOOLANAGARAM S.R.O.

EXT. P2 : TRUE COPY OF THE SALE DEED NO.750/2008 DATED 13-2-2008 OF SREEMOOLANAGARA S.R.O.

EXT. P3 : TRUE COPY OF THE SALE DEED NO.1141/1/08 DATED 06-3-2008 OF SREEMOOLANAGARM S.R.O.

EXT. P4 : TRUE COPY OF THE SALE DEED NO.598/1/08 DATED 4-2-2008 OF SREEMOOLANAGARM S.R.O.

EXT. P5 : TRUE COPY OF THE SALE DEED NO.2037/1/2008 DATED 7-5-2008 OF SREEMOOLANAGARM S.R.O.

EXT. P6 : TRUE COPY OF THE LAND TAX PAID RECEIPT DATED 31.7.2014 FOR 15.38 ARES IN RE.SY.No.41/6-3 BLOCK NO.31 IN CHOWARA VILLAGE.

EXT. P7 : TRUE COPY OF THE LAND TAX FOR RS.140/- DATED 31.7.2014.

EXT. P8 : TRUE COPY OF THE LAND TAX PAID RECEIPT DTD. 31-7-14, FOR 42.82 ARES IN RE.SY.NO.141/3-2 IN BLOCK NO.31.

EXT. P9 : TRUE COPY OF THE LAND TAX PAID RECEIPT DATED 31.7.2104 FOR 28.07 ARES IN SY.NO.141/4 AND FOR 07.67 ARE IN RE.SY.NO.141/5.

EXT. P10 : TRUE COPY OF THE PETITION DATED 5-11-2014 BEFORE 3RD RESPONDENT SUBMITTED BY THE PETITIONER.

EXT. P11 : TRUE COPY OF THE REPORT DATED 10-11-2014 SUBMITTED BY THE 4TH RESPONDENT.

EXT. P12 : TRUE COPY OF THE LETTER DATED 29.11.2014 BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE

P.R.RAMACHANDRA MENON, J.
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W.P.(C) No.4031 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 any other appropriate writ, order or direction directing the 3rd respondent to reclassify the lands purchased by the petitioner as per Exhibit-P1 to P5 as 'Purayidom' in the Basic Tax Register (B.T.R).

2. Issue such other writ direction or order which this Hon'ble Court may deem, just and necessary in the facts and circumstances of the case.

3. Cost of the proceedings."

2. The learned counsel for the petitioner submits that the only prayer is to reclassify the lands purchased by the petitioner as per Exhibit-P1 to P5 as 'Purayidom' in the Basic Tax Register.

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 3rd respondent to consider and pass appropriate orders on the application, if any, filed in this regard, by the petitioners, 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 3rd respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv

W.P(C) No. 4031/2015

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The word "3rd respondent" occurring in the 2nd and 11th lines of 3rd paragraph of the judgment dated 08/04/2015 in W.P(C) No. 4031/2015 is corrected and substituted by the words "2nd respondent, District Collector" as per order dated 03/09/2018 in I.A No. 5727/2017 in W.P(C) No. 4031/2015.

Sd/-
Registrar(Judicial)