

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 4611 of 2015 (B)

PETITIONER:

ABBAS K.P., AGED 48 YEARS
S/O. MUHAMMED, KARAPPARAMBIL HOUSE, VALANCHERY P.O.
VALANCHERY, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER
TIRUR, MALAPPURAM DISTRICT-676505.
2. THE TAHSILDAR
TIRUR, MALAPPURAM DISTRICT-676505.
3. THE VILLAGE OFFICER
KATTIPARUTHY VILLAGE, TIRUR TALUK
MALAPPURAM DISTRICT-676505.

R1-R3 BY ADV. SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1- TRUE COPY OF THE TAX RECEIPT ISSUED BY THE 3RD RESPONDENT
BEARING NO. 8087537 DATED 30-05-2014.

EXHIBIT P2- TRUE PHOTOGRAPHS OF THE PETITIONER'S PROPERTY WITH THE
RESIDENTIAL BUILDING.

EXHIBIT P3- TRUE COPY OF THE RELEVANT PAGES OF THE DATA BANK DEALING
WITH THE PROPERTY OF THE PETITIONER.

EXHIBIT P4- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED
29-01-2015.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE

dl/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4611 of 2015

Dated this the 20th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. Call for the records relating to Exts-P1 to P4 from the respondents;*
- ii. Issue a writ of mandamus or any other writ or Order or direction to the 2nd respondent to correct the nature of property in Basic Tax Register (BTR) with respect to the 24.7 Ares of property of the petitioner in Sy.No.82/4 & 82/5 of Kattiparuthy village of Tirur Taluk in Malappuram District as purayidam in the place of Nanja (Paddy land);*
- iii. In the alternate, issue a writ of mandamus or any other writ or Order or direction to the respondents to dispose Ext-P4 representation and in accordance with law as held by this Honourable Court in 2012 (3) KLT 333 and 2014 (1) KLT 161; as expeditiously as possible within a time frame fixed by this Hon'ble Court;*
- iv. Such other relief that this Honourable court may deem fit and proper to render justice to the petitioner."*

2. Heard the learned Additional Advocate General appearing for the respondents.

3. The basic question to be considered is whether the relief sought for to effect corrections in the 'BTR' could be granted. The petitioner seeks to place reliance on the judgment rendered by this Court as per the decision reported in **Jalaja Dileep V. Revenue Divisional Officer [2012 (3) KLT 333]**, which was affirmed by the Division Bench of this Court as per **RDO vs. Jalaja Dileep [2014(1) KLT 161]**. But the said verdict has now been set aside by the Apex Court as per the decision reported in **Revenue Divisional Officer V. Jalaja Dileep [2015 (1) KLT 984 (SC)]** holding that the BTR cannot be corrected so as to change the classification or nature of the property and if the physical nature of the property is to the effect that it has already been changed and converted prior to the commencement of the Act 28/2008, it is open for the parties concerned to approach the competent authority with reference to the provisions of the KLU to get appropriate relief.

In the said circumstances, the petitioner is set at liberty to move the competent authority in terms of the verdict passed by the Apex Court for appropriate relief. The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.