

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 5026 of 2015 (C)

PETITIONER(S):

- 1. FR JOSEPH, AGED 76 YEARS
S/O.PAPPU, PUTHUSSERI HOUSE, PIRAVUR
MATTOOR VILLAGE, ERNAKULAM.**
- 2. FR. VARGHESE,
S/O.PAPPU, PUTHUSSERI HOUSE, PIRAVUR
MATTOOR VILLAGE, ERNAKULAM.**

**BY ADVS.SRI.P.K.BABU
SMT.R.ANUPAMA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
THIRUVANANTHAPURAM-695 001.**
- 2. DISTRICT COLLECTOR, ERNAKULAM-682031.**
- 3. THE REVENUE DIVISIONAL OFFICER,
FORT COCHIN-682001.**
- 4. THE TAHSILDAR,
ALUVA TALUK, ERNAKULAM-683 103.**
- 5. THE VILLAGE OFFICER,
ANGAMALY, ERNAKULAM-683 573.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** TRUE COPY OF THE WILL DATE 23-09-1994.
- EXT P2 :** TRUE COPY OF THE SKETCH OF THE PROPERTY.
- EXT P3:** TRUE COPY OF THE LAND TAX RECEIPT NO.5358284
DATED 08-01-2015.
- EXT P4 :** TRUE COPY OF THE RELEVANT PAGES OF THE DATABANK ISSUED BY
THE ANGAMALI VILLAGE OFFICE.
- EXT P5 :** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONERS BEFORE THE 3RD RESPONDENT DATED 20-01-2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.5026 of 2015

Dated this the 12th day of March, 2015

JUDGMENT

The petitioners approached this Court seeking for a direction to be given to the 2nd and 3rd respondents to make necessary corrections in the revenue records, particularly in the BTR, to show the nature of the property as 'purayidam' (dry land), which as on date stands described as a 'nilam' (paddy land).

2. Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents as well.

3. The learned counsel for the petitioners submits that, the property is continuing as a reclaimed land for the past several decades and the nature of the property is also revealed from Ext.P4 Data Bank Register to the effect that it is not a 'paddy land'. If the property is not lying as a 'paddy land' or 'wet land' as defined under Sections 2(xii) and 2(xviii) of the Act 28 of 2008, provisions of the said Act are not applicable, as already held by this Court. The rest is with regard to the further cause of action,

particularly whether any correction in the BTR could be made with reference to the physical nature of the property as on date. The said question has been answered by the Apex Court in a negative as per the decision reported in **Revenue Divisional Officer Vs. Jalaja Dileep (2015 (1) KLT 984 (SC)**, whereby the decision rendered by the Division Bench of this Court as per **(Revenue Divisional Officer Vs. Jalaja Dileep) [2014 (1) KLT 161]** has already been set aside. It is however observed by the Apex Court that, the parties are at liberty to pursue the matter before the appropriate authorities with reference to the provisions of KLU, to have the appropriate extent of relief, particularly in the form of observations in paragraph 23 and elsewhere of the said judgment.

Without prejudice to the rights and liberties of the petitioners to pursue such steps, interference is declined and the writ petition is dismissed.

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

sp