

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 5414 of 2015 (B)

PETITIONER :

**MRS.RANI JOHN, AGED 51 YEARS,
W/O. JOHN C. NEROTH, HOUSE NO. 42/7, LINK MANNER,
THRIKANNARVATTOM DESOM, ERNAKULAM NORTH P.O.,
ERNAKULAM DISTRICT - 682 018.**

**BY ADVS.SRI.P.B.PRADEEP
SRI.SAJIKUMAR.K.K.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD,
ERNAKULAM DISTRICT - 682 030.**
- 2. REVENUE DIVISIONAL OFFICER,
FORT KOCHI, ERNAKULAM DISTRICT - 682 001.**
- 3. THE TAHASILDAR,PARAVOOR TALUK,
N. PARAVOOR, ERNAKULAM,PIN - 683 513.**
- 4. VILLAGE OFFICER,
KOTTUVALLY VILLAGE, KOTTUVALLY P.O.,
ERNAKULAM DISTRICT - 683 519**

BY SPL.GOVERNMENT PLEADER (REVENUE) SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE SALE DEED NO. 5263/2013 OF THE SRO,
PARAVOOR.**
- EXHIBIT-P2- TRUE COPY OF THE PATTAN NO. N.S.41730/78 OF DISTRICT
COLLECTOR, ERNAKULAM.**
- EXHIBIT-P3- TRUE COPY OF THE TAX PAID RECEIPT DATED 22/05/2014.**
- EXHIBIT-P4- TRUE COPY OF THE POSSESSION CERTIFICATE DATED 09/11/2014.**
- EXHIBIT-P5- TRUE COPY OF THE REPRESENTATION DATED 02/12/2014.**
- EXHIBIT-P6- TRUE COPY OF THE REPLY DATED 24/12/2014 BY THE 3RD
RESPONDENT.**
- EXHIBIT-P7- TRUE COPY OF THE REPLY OF THE 4TH RESPONDENT DATED
27/11/2014.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.5414 of 2015

Dated this the 19th day of March, 2015

JUDGMENT

The case of the petitioner is that the property involved herein forming the subject matter of Exts.P1 and P2 is not a paddy land or wet land as defined under Act 28 of 2008 and the same was lying as a converted land, having effected the conversion much prior to the commencement of the said Act and the property is described as 'nilam' in the Revenue Records. This made the petitioner to approach the respondents for correcting the BTR and since it has not been positively dealt with, the petitioner is constrained to approach this Court by filing the writ petition.

2. Heard the learned Government Pleader as well. The learned Government Pleader points out that the property has not been included as paddy land or wet land in the Data Bank Register, but the prayer of the petitioner to have the BTR corrected is not liable to be entertained in view of the law

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declared by the Supreme Court as per the decision reported in **Revenue Divisional Officer Vs. Jalaja Dileep [2015 (1) KLT 984]**. However, since the property has not been included as a paddy land or wet land in the Data Bank Register, it does not come within the purview of Act 28 of 2008. As such, in view of the observation made by the Apex Court as per the above decision, the petitioner is entitled to have the relief sought for, by pursuing appropriate proceedings under the Kerala Land Utilisation Order either before the first respondent or the second respondent.

3. In the above circumstances, the petitioner is set at liberty to file a petition under clause 6(2) of the Kerala Land Utilisation Order before the first respondent or the second respondent within two weeks from the date of receipt of a copy of this judgment, upon which the same shall be considered and appropriate orders shall be passed in the light of the observation made by the Apex Court, particularly in paragraphs 17 and 23 of the aforesaid decision and also in the light of the observation made by a Single Bench of this Court in paragraphs 10, 11 and

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12 of **Archana Varghese Vs. District Collector [2015 (1) KLT 937]**. This shall be done as expeditiously as possible, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the concerned respondent, for further steps.

Sd/-

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

rkc.