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. 5720 of 2015 (L)
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PETITIONER(S):
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DR.N.VIJAYAN PILLAI, AGED 65,
S/O.MELANGATH NARAYANA MENON, NEDUMBILLY HOUSE,
MANJUMMAL, RESIDING AT "ARUNIMA", ASHOKA ROAD,
KALOOR, ERNAKULAM DISTRICT.

BY ADVS.SRI.P.B.PRADEEP
SMT.S.LEKHA

RESPONDENT(S):
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1. THE DISTRICT COLLECTOR,
   COLLECTORATE, KAKKANAD, ERNAKULAM DISTRICT,
   PIN - 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,
   ELOOR VILLAGE, UDYOGAMANDAL P.O., ERNAKULAM DISTRICT
   PIN-683 501.

BY SENIOR GOVERNMENT PLEADER SRI.M.MOHAMMED SHAFI

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

msv/

**WP(C).No. 5720 of 2015 (L)**
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**
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**EXT P1 : TRUE COPY OF PARTITION DEED NO.1239/1996 OF THE SRO, ALANGAD.**

**EXT P2 : TRUE COPY OF PARTITION DEED NO.1358/1971 OF THE SRO, EDAPPALLY.**

**EXT P3 : TRUE COPY OF TAX PAID RECEIPT DATED 17-04-1996.**

**EXT P3 (A): TRUE COPY OF TAX PAID RECEIPT DATED 07-11-2005.**

**EXT P3 (B) : TRUE COPY OF TAX PAID RECEIPT DATED 14-10-2009.**

**EXT P4 : TRUE COPY OF THE TAX PAID RECEIPT DATED 06-07-2013.**

**EXT P5 : TRUE COPY OF THE TAX PAID RECEIPT DATED 21-07-2014.**

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

**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

Ms**v/**

**P.R. RAMACHANDRA MENON, J.**
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**W.P.(C) No.5720 of 2015**
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**Dated this the 12th day of March, 2015**

**JUDGMENT**

The petitioner has approached this Court with the following prayers:

> *"1. Direct the respondents to make corrections in the BTR in respect of the property of the petitioner thereby change the nature of the property shown as 'nilam' into 'purayidam'.*
> *2. Pass such other writ, or directions which may deems fit and proper by this Hon'ble Court."*

2. The case of the petitioner is that, the property is actually lying as a converted land and is never lying as a 'paddy land' or 'wet land' as defined under Sections 2(xii) and 2(xviii) of the Act 28 of 2008 as on the date of commencement of the said Act. This being the position, the petitioner is entitled to have the revenue records to be corrected with reference to the physical nature of the property. Reference is made to various judgments rendered by this Court at different points of time, including in Jalaja Dleep's case. It is true that, the said decision was affirmed by the

Division Bench of this Court as per the decision rendered by the Division Bench of this Court as per ***(Revenue Divisional Officer Vs. Jalaja Dileep) [2014 (1) KLT 161]***. But the said verdict passed by the Division Bench came to be set aside by the Apex Court as per the judgment dated 10.03.2015 reported in ***Revenue Divisional Officer Vs. Jalaja Dileep (2015 (1) KLT 984 (SC)***, holding that the BTR cannot be corrected or any such direction could be issued in this regard with reference to the power under Section 18 of the Kerala Land Tax Act or such other provisions of law. However, in respect of the lands, which were already converted prior to the commencement of Act 28 of 2008, the provisions of the said Act are not applicable and the cause open is to pursue the matter under the provisions of the Kerala Land Utilisation Order. In the said circumstances, the parties are set at liberty to approach the competent authority with reference to the provisions of Kerala Land Utilisation Order for appropriate reliefs.

In the light of the ruling rendered by the Apex Court as above, interference is declined and the writ petition is dismissed without prejudice to the petitioner to pursue the matter in terms of the verdict as aforesaid.

Sd/-
**P.R. RAMACHANDRA MENON,**
**JUDGE**

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