

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.5932 of 2015 (N)

PETITIONER:

**SREEJA,AGED 37 YEARS,D/O.GOVINDANKUTTY NAIR,
'RAMANIYAM',SANTHI NAGAR,MUTTIKKULANGARA POST,
PALAKKAD-678 543.**

BY ADV.SRI.LIJU.M.P

RESPONDENTS:

- 1. THE TAHASILDAR,CHITTUR TALUK,CHITTUR,
PALAKKAD-678 501.**
- 2. THE VILLAGE OFFICER,CHITTUR VILLAGE,
CHITTUR,PALAKKAD-678 501.**

BY GOVT. PLEADER SRI.M.MUHAMMED SHAFFI.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, ALONG WITH W.P(C) NO.5933/2015 AND W.P(C)
NO.5934/2015 THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.5932 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS

EXT P1:TRUE COPY OF THE LAND TAX RECEIPT DATED 16-09-2014.

**EXT P2:TRUE COPY OF THE CERTIFICATE DATED 27-12-2014 ISSUED BY THE
2ND RESPONDENT.**

**EXT P3:TRUE COPY OF THE POSSESSION CERTIFICATE DATED 29-12-2014
ISSUED TO THE PETITIONERS FROM THE CHITTUR VILLAGE OFFICE.**

**EXT P4:TRUE COPY OF THE REPRESENTATION DATED 02-02-2015 SUBMITTED
TO 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) Nos.5932, 5933 & 5934 of 2015

Dated this the 12th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following reliefs:

"i) Issue a writ of mandamus, or any other order or direction, directing the 2nd respondent to dispose of Exhibit-P4, in the light of Exhibit-P2 and factual situation of the land, at the earliest, at any rate within a time limit as fixed by this Hon'ble Court;

ii) Issue a writ of mandamus or any other order or direction, directing the 2nd respondent to change the 'class of land' of property comprised in Re-Sy. Nos113/1 and 112/3 in Block No.41 of Chittur Village, Palakkad District as 'Dry land/Purayidam', on the basis of Exhibit-P2, at the earliest, at any rate within a time limit as fixed by this Hon'ble Court;

And

iii) Such other reliefs this Honourable Court deems fit and proper to grant in the facts and circumstances of the case."

2. The case of the petitioners is that, the properties are actually lying as converted land and are never lying as '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 petitioners are 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 Dileep'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 land, 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 have the matter

pursued under the relevant 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 all these writ petitions are dismissed without prejudice to the petitioners to pursue the matter in terms of the verdict as aforesaid.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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