

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. 7936 of 2015 (N)

PETITIONER(S):

**M.D.JOSEPH, AGED 56,
S/O. DEVASSY, MAPRANATHURKARAN HOUSE, VARAKKARA DESOM,
AMBALLORE VILLAGE,
THRISSUR DIST. PRESENTLY RESIDING AT NO. 62, S-6,
LEO BLOCK, ZODIAC VILLE, DEVADOSS STREET,
VGN PHASE - 1, MUGAPPAIR WEST, CHENNAI.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REP. BY THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTRATE, AYYANTHOLE, THRISSUR,
THRISSUR DISTRICT - 680 001.**
- 3. THE TAHASILDAR,
TAHSILDAR OFFICE, CHALAKUDY,
THRISSUR DISTRICT - 680 307**
- 4. VILLAGE OFFICER
VARANTHARAPPILLY VILLAGE, VARANTHARAPPILLY P.O.,
THRISSUR DISTRICT - 680 001.**

R BY GOVERNMENT PLEADER SRI. M.MUHAMMED SHAFI

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

AD/

WP(C).No. 7936 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 - A TRUE COPY OF THE DOCUMENT BEARING NO. 4323/95 DATED 28.11.95
OF THE KODALI S R O.**

**EXHIBIT P2 - A TRUE COPY OF THE TAX RECEIPT ISSUED BY THE
VARANTHARAPPILLY VILLAGE DATED 02.5.14.**

**EXHIBIT P3 - A TRUE COPY OF APPLICATION FILED BEFORE THE 3RD RESPONDENT
DATED 21.5.14.**

EXHIBIT P4 - A TRUE COPY OF THE DATA BANK RELEVANT PAGE DATED NIL.

**EXHIBIT P5 - A TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT
DATED 30.12.14.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.7936 OF 2015
.....

Dated this the 12th March, 2015

J U D G M E N T

The petitioner is the owner of 18 cents of land comprised in Survey No.92/1 of Varantharappilly Village covered by Ext. P1 document. The grievance of the petitioner is mainly with regard to the refusal on the part of the third respondent/Tahsildar in effecting necessary changes in the 'BTR' as to the physical nature of the property, as sought for vide Ext.P3. The Petitioner also relies on Ext.P4 copy of Data Bank Register wherein the adjacent properties are shown as 'reclaimed lands'.

2. Heard the learned Government Pleader as well.

3. The law is now well settled that no correction can be effected with regard to the nature of the property and classification in the BTR, in view of the verdict passed by the Apex Court in **Revenue Divisional Officer Vs. Jalaja Dileep (2015 (1) KLT 984 (SC)** whereby the decision rendered by a Division Bench of this Court in **RDO vs. Jalaja Dileep [2014 (1) KLT 161]**, has been overruled. In the said circumstances, the parties were set at liberty to approach the competent

authority with reference to the provisions of Kerala Land Utilisation Order for appropriate reliefs.

4. This Court finds that the the matter requires to be considered by the 2nd respondent/District Collector in the light of the verdict passed by the Apex Court as above and also with reference to the provisions of the KLU. The petitioner is set at liberty to file a proper application before the 2nd respondent in this regard within 'two weeks', upon which the 2nd respondent shall consider the same and pass appropriate orders in accordance with law after after affording an opportunity of hearing, at the earliest, at any rate within 'six weeks' thereafter.

The writ petition stands disposed of. Petitioner shall produce a copy of this judgment along with a copy of the writ petition before the second respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k