

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 8057 of 2015 (F)

PETITIONER :

**ARUN THOMAS
SON OF LATE K.A.THOMAS, KOLATHU HOUSE
RAMAPURAM BAZAR P.O., KOTTAYAM - 686 576**

BY ADV. SRI.P.S.GEORGE

RESPONDENT(S) :

- 1. THE LOCAL LEVEL MONITORING COMMITTEE
REPRESENTED BY ITS CONVENOR
THE AGRICULTURAL OFFICER, KRISHI BHAVAN
REMAPURAM BAZAR PO - 686 576.**
- 2. THE VILLAGE OFFICER
RAMAPURAM VILLAGE, RAMAPURAM - 680 576.**
- 3. THE ADDL. TAHSILDAR
MEENACHIL TALUK, CIVIL STATION
PALA - 686 506,**
- 4. THE DISTRICT COLLECTOR
KOTTAYAM - 686 001.**

R1 TO R4 BY SPL. GOVT. PLEADER SRI. P.K. SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 8057 of 2015 (F)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1- TRUE COPY OF THE LAND TAX RECEIPT DATED 23.2.2015 ISSUED BY
 THE 2ND RESPONDENT VILLAGE OFFICER.**
- EXT. P2- TRUE COPY OF THE LEASE AGREEMENT DATED 13.2.2015 EXECUTED
 BY THE PETITIONER.**
- EXT. P3- TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 24.2.2015
 BY THE 1ST RESPONDENT.**
- EXT. P4- TRUE COPY OF THE COMMUNICATION DT. 22.10.1983 ISSUED BY THE
 RUBBER BOARD.**
- EXT. P5- TRUE COPY OF THE APPLICATION DT 24.2.2015 BEFORE THE 3RD
 RESPONDENT, FOR RECTIFICATION OF THE MISTAKE IN BTR.**
- EXT. P6- TRUE COPY OF THE REPORT DT.4.3.2015 OF 2ND RESPONDENT
 VILLAGE OFFICER.**
- EXT. P7- TRUE COPY OF THE RELEVANT EXTRACT OF BTR DT. NIL OF
 PETITIONER'S PROPERTY.**
- EXT. P8- TRUE COPY OF THE RELEVANT PAGE OF SETTLEMENT REGISTER DT.
 NIL OF PETITIONER'S PROPERTY**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8057 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"a) Issue a writ of mandamus or any other appropriate writ, direction or order directing the 1st respondent to pass orders pursuant to Ext.P3 so as to delete the entry relating to the petitioner's lands from the data bank.

b) Issue a writ of mandamus or any other appropriate writ, direction or order directing the 3rd respondent to pass appropriate orders correcting the BTR regarding property covered by Ext.P1 as 'Purayidom' instead of 'Nilam'.

c) Issue such other writ, order or direction as this Honourable Court deems fit and proper to grant in the facts and circumstances of the case."

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

3. The case of the petitioner is that, the property of the petitioner in Resurvey No.240/4, Block No.27 (old Sy. No.726/8) in Ramapuram Village, is stated as a 'dry land', which however

came to be wrongly included in the Data Bank Register, which was sought to be corrected by the petitioner. Pursuant to the application, the first respondent inspected the property and convened a meeting on 24.02.2015, copy of which has been produced as Ext.P3. It is stated therein that no agricultural activity is being pursued in the said property or the nearby properties and that remains/stumps of rubber trees, which were in existence for more than 30 years in the property, were seen during the course of inspection. The learned counsel for the petitioner also points out that, in Ext.P8 copy of the settlement register procured by the petitioner, resorting to the remedy under the Right to Information Act, the nature of the property has been clearly shown as 'purayidom'/'dry land', though in the Basic Tax Register, it has been wrongly shown as 'paddy land' (copy of which has been produced as Ext.P7). The mistake committed is only by the revenue authorities and not by the petitioner and no entry could have been there in Ext.P7 contrary to the factual position reflected from Ext.P8, submits the learned counsel. Reliance is also sought to be placed on Ext.P6 report of the

Village Officer in this regard.

4. During the course of hearing, it is brought to the notice of this Court that the Apex Court as per a recent judgment reported in **Revenue Divisional Officer Vs. Jalaja Dileep (2015 (1) KLT 984 (SC)** has made it clear by holding that BTR cannot be corrected for changing the classification of the property with reference to Section 18 of the Kerala Land Tax Act. Under the said provision, only the mistake involving clerical or arithmetical errors could be corrected by the competent authority.

5. In the above circumstances, there will be a direction to the 3rd respondent to consider the nature of mistakes crept in Ext.P7 in the light of Exts.P6 and P8 and also the observations made by the Apex Court as per the decision cited supra and pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within a period of 'two months' from the date of receipt of a copy of this judgment. The first respondent is directed to pass appropriate orders based on Ext.P3 and the

outcome shall be communicated to the petitioner at the earliest, at any rate, within 'one month'.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondents 1 and 3, for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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