

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 10129 of 2015 (M)

PETITIONER(S):

**ADV. MATHEW GEORGE, AGED 29 YEARS,
ADVOCATE, S/O.GEORGE MATHEW, ANTHARIATH KOTTAYIL,
CHELLAKADU P.O., PAZHAVANGADI VILLAGE, RANNY TALUK,
PATHANAMTHITTA DISTRICT, PIN: 689 677.**

**BY ADVS.SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
PATHANAMTHITTA DISTRICT - 689 645.**
- 2. THE TAHSILDAR, TALUK OFFICE,
RANNY, PATHANAMTHITTA DISTRICT - 689 672.**
- 3. THE VILLAGE OFFICER,
PAZHAVANGADY, RANNY, PATHANAMTHITTA DISTRICT - 689 673.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10129 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1: A TRUE COPY OF THE REPRESENTATION DATED 15/12/2014 TO THE
2ND RESPONDENT.**

EXT. P2: A TRUE COPY OF THE A/D CARD

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.10129 of 2015

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Dated this the 30th day of March, 2015

JUDGMENT

The case of the petitioner is that the property belonging to the petitioner comprised in R/S No.90/9 of Block 10 of the Pazhavangadi Village is not a 'paddy land' or 'wet land' as per the definition under Sections 2(xii) and 2(xviii) of the Act 28 of 2008, though the same has been described as 'nilam' in the revenue records. It is in the said circumstances that the petitioner has preferred Ext.P1 application before the 2nd respondent for changing the classification. The inaction on the part of the said respondent made the petitioner to approach this Court by filing this writ petition.

2. Heard the learned Government Pleader as well. The law is now well settled to the effect that 'BTR' cannot be corrected with reference to the power and procedure under Section 18 of the Kerala Land Tax Act. The verdict passed by the Apex Court reported in **Revenue Divisional Officer v. Jalaja Dileep** (2015 (1) KLT 984) (SC) has virtually overruled the decision of the Division Bench of this Court in 2014(1) KLT 161. However, it

has been made clear that, if the property is not a 'paddy land' or 'wet land' and the same was converted prior to the commencement of the said Act, the parties are having a remedy with reference to the relevant provisions of the KLU Order.

In the said circumstance, the petitioner is set at liberty to file an application under Clause 6(2) of the KLU Order before the 1st 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 accordance with law, after affording an opportunity of hearing to the petitioner and after calling for a report from the Local Level Monitoring Committee, which exercise shall be completed at the earliest, at any rate within 'three months' from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

The writ petition is disposed of.

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