

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937**

**WP(C).No. 11996 of 2015 (Y)**  
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**PETITIONER :**  
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**K.K. VARGHESE  
S/O.KUNJUVAREED, KAITHAVALAPPIL HOUSE  
VETTUKADAVU ROAD, CHALAKUDY P.O.,  
THRISSUR DISTRICT, PIN 680307.**

**BY ADVS.SRI.M.H.HANIL KUMAR  
SMT.M.R.JAYALATHA  
SRI.M.R.DHANIL**

**RESPONDENT(S) :**  
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- 1. STATE OF KERALA  
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE  
GOVERNMENT SECRETARY, THIRUVANANTHAPURAM-695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER  
CIVIL STATION, AYANTHOLE P.O., THRISSUR**
- 3. THE VILLAGE OFFICER  
EAST CHALAKUDY, CHALAKUDY P.O.,  
THRISSUR – 680 307.**

**R1 TO R3 BY SR. GOVT. PLEADER SRI. K.C. VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 11996 of 2015 (Y)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT. P1:        A TRUE COPY OF THE SALE DEED NO.4124/1989 DATED 15.11.1989.**
- EXT. P2:        A TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE VILLAGE OFFICER DATED 06.11.2014.**
- EXT. P3:        A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER DATED 06.11.2014.**
- EXT. P4:        A TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT SUBMITTED BY THE PETITIONER DATED 11.12.2014.**
- EXT. P5:        A TRUE COPY OF THE PLAN SUBMITTED BY THE PETITIONER.**
- EXT. P6:        A TRUE COPY OF THE PROCEEDINGS ISSUED BY THE CHALAKUDY MUNICIPALITY DATED 25.02.2015.**
- EXT. P7:        A TRUE COPY OF THE PHOTOGRAPHS SHOWING THE LIE AND NATURE OF THE PROPERTY OF THE PETITIONER.**
- EXT. P8:        A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 23.03.2015.**
- EXT. P9:        A TRUE COPY OF THE RECEIPT DATED 30.03.2015 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT.**

**RESPONDENT(S)' EXHIBITS :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**P.R. RAMACHANDRA MENON, J.**

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**W.P.(C) No.11996 of 2015**  
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**Dated this the 9<sup>th</sup> day of April, 2015**

**JUDGMENT**

The petitioner has approached this Court with the following prayers:

*"i. issue a writ of mandamus or other appropriate writ or direction, directing the 2<sup>nd</sup> respondent to consider and pass on Ext.P8 application in the light of the law laid down by this Honourable Court in Pravin Vs. Land Revenue Commissioner (2010 (2) KLT 617), after affording an opportunity of being heard to the petitioner;*

*ii. issue a writ of mandamus or other appropriate writ or direction, directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to carry ot necessary changes in the Basic Tax Register to record the property of the petitioner lying in Sy. No.517/3 of East Chalakkudy Village as dry land;*

*iii. declare that the property of the petitioner lying in Sy. No.517/3 of East Chalakkudy Village, Chalakkudy Taluk is a dry land.*

*iv. issue such other appropriate writ, order or direction which this Hon'ble Court may deem fit in*

*the circumstances of the case.”*

The learned counsel for the petitioner submits that the only prayer is to cause Ext.P8 to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well, who submits that by virtue of the law declared by Apex Court as per the decision reported in **Revenue Divisional Officer v. Jalaja Dileep** (2015(1) KLT 984) (SC), the classification cannot be changed in the the BTR. However, if a proper application is filed under Clause 6(2) of the KLU Order, it will be considered and appropriate orders will be passed within reasonable time.

3. The learned counsel for the petitioner submits that Ext.P8 may be considered and dealt with accordingly.

4. In the said circumstance, the writ petition is disposed of, directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders on Ext.P8 in accordance with law, with reference to Clause 6(2) of the KLU Order, after calling for a report from the Agricultural Officer with regard to the nature of the land in question and after hearing, in the light of the law declared by the Apex Court as per the decision cited supra. This shall be done at

the earliest, at any rate, within 'two 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 2<sup>nd</sup> respondent for further steps.

Sd/-

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

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