

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 14283 of 2014 (I)

PETITIONER:

**RASIYA BASHEER, W/O.A.K.BASHEER,
ANJILIMOOTTIL VEEDU, KUZHIVELIPPADI,
EDATHALA P.O., PIN-683 561.**

**BY ADVS.SRI.M.A.ABDUL HAKHIM
SRI.JOSEPH GEORGE (KANNAMPUZHA)**

RESPONDENT(S):

- 1. THE SUB COLLECTOR/
REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE,
FORT KOCHI - 682 004.**
- 2. THE TAHSILDAR,
ALUVA TALUK, ALUVA, PIN-683 103.**
- 3. THE VILLAGE OFFICER,
ALUVA EAST VILLAGE, ALUVA-683 101.**
- 4. THE AGRICULTURAL OFFICER,
EDATHALA, ERNAKULAM DISTRICT-683 561.**

BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1.(A) TO (C) : PHOTOSTAT COPIES OF THE LAND TAX RECEIPTS (THREE NOS.) ISSUED BY THE 3RD RESPONDENT DATED 4/6/2014.
- EXT.P2.(A) TO (B) : TRUE PHOTOGRAPHS OF THE PETITIONER'S PROPERTY (TWO NOS.).
- EXT.P3: A PHOTOSTAT COPY OF THE RELEVANT PAGES OF THE DATA BANK PREPARED UNDER THE KERALA CONSERVATION OF PADDY LAND AND WET LAND ACT, 2008, DATED 24/3/2012.
- EXT.P4: A PHOTOSTAT COPY OF THE FAIR VALUE LIST OF R.S.NO.324 OF ALUVA EAST VILLAGE MAINTAINED BY THE 1ST RESPONDENT.
- EXT.P5: A PHOTOSTAT COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT, DATED 26/4/2014.
- EXT.P6: A PHOTOSTAT COPY OF THE REPORT SUBMITTED BY THE 2ND RESPONDENT TO 1ST RESPONDENT, DATED 15/5/2014.
- EXT.P7: A PHOTOSTAT COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT TO THE PETITIONER, DATED 1/6/2014.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 14283 of 2014

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “a) issue a writ of certiorari such other writ, order or direction setting aside Ext.P7 order passed by the 1st respondent,*
- b) To declare that the petitioner's land referred in Ext.P5 Application will have to be classified as garden land in the Basic Tax Register and connected records,*
- c) and issue directions to the respondents to change the nature of the petitioner's land referred in Ext P5 Application from paddy land to a garden land in the Basic Tax Register and connected records.*
- And*
- d) grant such other reliefs as this Hon'ble Court shall deem just.”*

2. Heard the learned Special Government appearing for the respondents.

3. The basic question to be considered is whether the relief sought for to effect corrections in the 'BTR' could be granted. The petitioner seeks to place reliance on the judgment rendered by this Court as per the decision reported in **Jalaja Dileep V. Revenue Divisional Officer [2012 (3) KLT 333]**, which was affirmed by the

Division Bench of this Court as per **RDO vs. Jalaja Dileep [2014(1) KLT 161]**. But the said verdict has now been set aside by the Apex Court as per the decision reported in **Revenue Divisional Officer V. Jalaja Dileep [2015 (1) KLT 984 (SC)]** holding that the BTR cannot be corrected so as to change the classification or nature of the property and if the physical nature of the property is to the effect that it has already been changed and converted prior to the commencement of the Act 28/2008, it is open for the parties concerned to approach the competent authority with reference to the provisions of the KLU to get appropriate relief. Coming to the instant case, the Special Government Pleader points out with reference to the counter affidavit filed by the 1st respondent that, the property concerned herein has already been shown as converted land in the Draft Data Bank Register, which was subsequently finalised and published in the Gazette.

In the said circumstances, the petitioner is set at liberty to move the competent authority in terms of the verdict passed by the Apex Court for appropriate relief. The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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