

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C) .No. 15421 of 2014 (C)

PETITIONER(S) /PETITIONER:

STANLY
S/O. PAULO
ARAKKAL HOUSE (ALSO KNOWN AS CHOKKI OR ARAKKAL CHOKKI HOUSE)
MANJAPRA VILLAGE, NADUVATTOM KARA, ALUVA TALUK
ERNAKULAM DISTRICT-683581.

BY ADVS.DR.V.N.SANKARJEE
SRI.S.SIDHARDHAN
SRI.V.N.MADHUSUDANAN
SRI.PRATHAP. S.R.K.

RESPONDENT(S) /RESPONDENTS:

1. THE DISTRICT COLLECTOR
ERNAKULAM-682030.
2. THE REVENUE DIVISIONAL OFFICER,
FORTKOCHI-682001.
3. THE TAHSILDAR,
ALUVA-683101.
4. THE VILLAGE OFFICER,
MANJAPRA, ERNAKULAM DISTRICT-683581.

BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 15421 of 2014 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 COPY OF THE SALE DEED DATED 1.7.2013

EXT.P2 COPY OF TAX RECEIPT DATED 12.6.2014

EXT.P3 COPY OF THE POSSESSION CERTIFICATE DATED 13.6.2014

EXT.P4 COPY OF THE SALE DEED DATED 5.2.2001

EXT.P5 COPY OF THE SETTLEMENT DEED DATED 19.1.2012

EXT.P6 PHOTOGRAPHS (6 NOS.)

EXT.P7 COPY OF THE APPLICATION DATED 17.3.2014 SUBMITTED BY THE
PETITIONER TO THE 3RD RESPONDENT

EXT.P8 COPY OF THE REPORT DATED 20.3.2014 OF THE 4TH RESPONDENT

EXT.P9 COPY OF THE REPORT DATED 21.4.2014 OF THE 3RD RESPONDENT

EXT.P10 COPY OF THE FAIR VALUE STATEMENT PUBLISHED IN THE WEBSITE OF
THE GOVERNMENT

EXT.P11 COPY OF THE RELEVANT DATA BANK (DRAFT)

EXT.P12 COPY OF THE ORDER DATED 29.4.2014 OF THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.15421 of 2014

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“1. Issue a writ of certiorari or any other appropriate writ, order or direction quashing Ext.P12 after calling for the records leading thereto.

2. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to make necessary corrections in the revenue records including basic tax register, Thandapper Account Register etc. incorporating the type of petitioner's property as purayidom/dry land; and

3. Pass such other orders as this Honourable Court deems fit and proper in the facts and circumstances of the case. ”

2. The learned counsel for the petitioner submits that the only prayer is to quash Exhibit P12 order and to direct the respondents to make necessary corrections in the revenue records including basic tax register, Thandapper Account Register etc. incorporating the type of petitioner's property as purayidom/dry land.

3. 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.

4. In the said circumstance, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on the application, if any filed in this regard, by the petitioner, in accordance with law, with reference to Clause 6(2) of the KLU Order, after calling for a report from the 4th respondent 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 2nd respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

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