

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 15821 of 2014 (C)

PETITIONER:

**KUNJU MICHEL,
S/O.JOSEPH MICHEL, AGED 48 YEARS,
MANARKATTU HOUSE, PALAI,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.T.V.JAYAKUMAR NAMBOODIRI
SRI.SAJI.T.**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
KOTTAYAM - 686 588.**
- 2. REVENUE DIVISIONAL OFFICER,
PALA, KOTTAYAM DISTRICT - 686 588.**
- 3. VILLAGE OFFICER, POOVARANY VILLAGE,
IDAMATTAM P.O., KOTTAYAM - 686 588.**

BY SENIOR GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 15821 of 2014 (C)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE SALE DEED DATED 6/11/1984 OF S.R.O
 MEENACHIL.**
- EXT.P2: TRUE COPY OF LAND TAX RECEIPT DATED 6/6/2014.**
- EXT.P3: APPLICATION DATED 7/8/2013.**
- EXT.P4: REPORT OF THE THAHASILDAR INCLUDING THE, BTR REGISTER,
 THANDAPER REGISTER DATA BANK AND INSPECTION REPORT.**
- EXT.P5: TRUE COPY OF THE LETTER DATED 26/05/2014 OF 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.15821 of 2014

Dated this the 6th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- "i. Issue a writ of Certiorari quashing Ext.P5;*
- ii. Issue a writ of Mandamus or any other Writs or direction, declaring that the property of the petitioner described in Ext.P1 (R. Sy. No.11/5 of Poovarany Village, Kottayam) is not a Nilam and is a dry land;*
- iii. Issue a writ of Mandamus or any other Writs or direction, directing the respondent to challenge the description of the land of the petitioner comprised in R.Sy.No.11/5 of Poovarany Village, Kottayam as reclaimed Purayidam (dry land);*
- iv. Such other reliefs as this Hon'ble Court may deems fit and proper."*

2. The case of the petitioner is that, he is the owner of 1.91 Acres (76 Are) of land comprised in R.Survey No.11/5 of Poovarany Village. In fact the said land is a dry land by virtue of nature and topography, though same has been described as 'Nilam' in the revenue records. The petitioner approached the 1st respondent for causing necessary entries to be corrected, producing Ext.P1 Sale Deed, Ext.P2 tax receipt and such other documents. Ext.P4 is the report of the Tahsildar, referring to

report of the Agricultural Officer. According to the petitioner, Village Officer clearly certifies that the property was reclaimed more than 1½ decades back and that no cultivation is possible in the land, which is situated on the side of the road. The property is not included in the Data Bank Register.

3. The learned counsel for the petitioner points out that, the request made by the petitioner has been simply turned down by the 1st respondent as per Ext.P5 dated 26.05.2014, stating that there is no provision of law to redress the grievance of the petitioner. This made the petitioner to approach this Court by filing the writ petition.

4. The writ petition was admitted by this Court on 23.06.2014. No Counter Affidavit has been filed so far.

5. Heard the learned Government Pleader as well.

6. During the course of hearing, it is pointed out by the learned counsel for the petitioner that, the issue is squarely covered by the decision rendered by this Court in **2012 (3) KHC 273 (Jalaja Dileep Vs. Revenue Divisional Officer)**. It is also made a mention that the said decision has been affirmed by the Division Bench as per the Ruling reported in **2014 (1) KLT 161**

(Revenue Divisional Officer Vs. Jalaja Dileep)

7. In the said circumstances, this Court finds that the petitioner is entitled to succeed. There will be a declaration to the effect that the nature of the land belonging to the petitioner as covered by Ext.P1 document is to be corrected as 'reclaimed land' and that the same was never continuing as a wet land or paddy land as on the date of commencement of Kerala Conservation of Paddy land and Wet Land Act (Act 28 of 2008). The respondents are directed to effect necessary corrections in the Revenue Records in the light of the law declared by the Division Bench of this Court as cited above.

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

The writ petition is disposed of.

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

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