

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. 17082 of 2014 (I)

PETITIONER(S):

SOUDHAPRABHA
W/O.RAMACHANDRAN, RESIDING AT KURUVANANCHERI
KUTILTHODU, CHEVAYUR AMSOM DESOM, POST CHEVAYUR
KOZHIKODE TALUK, KOZHIKODE DISTRICT, KERALA STATE.

BY ADVS.SRI.K.I.MAYANKUTTY MATHER
SRI.P.RAHUL

RESPONDENT(S):

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1. THE DISTRICT COLLECTOR, KOZHIKODE
KOZHIKODE DISTRICT, KERALA STATE - 673020.
 2. THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICE
KOZHIKODE DISTRICT, KERALA STATE-673020.
 3. THE TAHSILDAR
TALUK OFFICE, KOZHIKODE DISTRICT, KERALA STATE-673020.
 4. THE VILLAGE OFFICER
KOTTOOLI VILLAGE, KOZHIKODE DISTRICT
KERALA STATE-673002.
 5. THE STATE OF KERALA
REPRESENTED BY SECRETARY (REVENUE)
THIRUVANANTHAPURAM-695001.

BY ADV. GOVERNMENT PLEADER SRI.M.MOHAMMED SHAFI

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

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE DEED OF ASSIGNMENT 2332/1975 OF CHEVAYUR
SUB REGISTRY OFFICE DATED 30TH OCTOBER 1975.

EXHIBIT-P2: TRUE COPY OF THE PROPOSED DEED OF SETTLEMENT DATED 28TH
JANUARY 2014.

EXHIBIT-P3: TRUE COPY OF THE PETITION BY WRIT PETITIONER TO THE 2ND
RESPONDENT DATED 11.3.2014.

EXHIBIT-P4: TRUE COPY OF THE REPORT FILED BY THE 4TH RESPONDENT DATED
19.4.2014.

EXHIBIT-P5: TRUE COPY OF THE ORDER BY THE 2ND RESPONDENT DATED
13.6.2014.

EXHIBIT-P6: TRUE COPY OF THE JUDGMENT IN WRIT PETITION W.A.NO.989 OF
2013 DATED 13.02.2014.

EXHIBIT-P7: TRUE COPY OF THE GOOGLE MAP IN RESPECT OF THE SUBJECT
PROPERTY.

EXHIBIT-P8: TRUE COPY OF THE RELEVANT EXTRACT OF THE FAIR VALUE
REGISTER.

EXHIBIT-P9: PHOTOGRAPH SHOWING THE LIE AND NATURE OF THE PETITIONER'S
PROPERTY.

EXHIBIT-P9 (a) : PHOTOGRAPH SHOWING THE LIE AND NATURE OF THE
PETITIONER'S PROPERTY.

EXHIBIT-P9 (b) : PHOTOGRAPH SHOWING THE LIE AND NATURE OF THE
PETITIONER'S PROPERTY.

EXHIBIT-P9 (c) : PHOTOGRAPH SHOWING THE LIE AND NATURE OF THE
PETITIONER'S PROPERTY.

EXHIBIT-P10 : TRUE COPY OF THE INFORMATION OBTAINED UNDER THE
RIGHT TO INFORMATION ACT AS REGARDS THE
CLASSIFICATION OF THE PETITIONER'S PROPERTY IN THE
RESIDENTIAL ZONE IN THE CALICUT CORPORATION MASTER
PLAN.

RESPONDENT(S) ' EXHIBITS

EXHIBIT-R2 (a) : TRUE COPY OF THE RELEVANT PAGES OF THE DRAFT DATA
BANK.

//TRUE COPY//

P.A TO JUDGE

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.17082 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 other suitable writ or order quashing the original of Ext.P5.

2. Further to declare by a suitable writ or order that the writ petitioner has the right to get the change in description of nilam in title deed Ext.P1 to reclaimed garden land - dry land in the land records maintained by the respondents.

3. To issue a writ of mandamus or other suitable writ or order to the respondents to make necessary changes for Ext.P1 property in description from nilam to reclaimed garden land in the land records and issue a certificate in that regard to the petitioner, and

4. Further to make such other writ or order which the Hon'ble High Court of Kerala deems fit in the circumstances of the case. ”

2. The learned counsel for the petitioner submits that the only prayer is to quash Exhibit P5 order and to direct the respondents to make necessary changes for Ext.P1 property in description from 'nilam' to reclaimed 'garden land' in the land records.

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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