

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 22801 of 2014 (A)

PETITIONER(S):

**ROSAMMA MATHEW, AGED 64 YEARS,
W/O.GEORGE C.KAPPEN, KAPPIL HOUSE, PALA,
LALAM VILLAGE, MENACHIL TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.C.HARIDAS

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO THE DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. DISTRICT COLLECTOR, KOTTAYAM-686001.**
- 3. REVENUE DIVISIONAL OFFICER, PALA-686575.**
- 4. TAHSILDAR, MEENACHIL, PALA-686575.**
- 5. VILLAGE OFFICER, LALAM VILLAGE, PALA-686575.**

BY GOVERNMENT PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-09-2015,
ALONG WITH WPC.NO.31601/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPIES OF SETTLEMENT DEED NOS.456/2002 AND 455/2002 OF MEENACHIL SRO.
- P2: TRUE COPY OF TAX RECEIPT DATED 31/8/2013 ISSUED TO THE PETITIONER FROM THE VILLAGE OFFICER, LALAM.
- P3: TRUE COPY OF THE BASIC TAX REGISTER IN RESPECT OF THE PROPERTY OF THE PETITIONER
- P3(A): TRUE COPY OF THE TANDER REGISTER IN RESPECT OF THE PROPERTY OF THE PETITIONER.
- P4: TRUE COPY OF THE CERTIFICATE DATED 25/8/2000 OF THE PALA MUNICIPALITY
- P5: TRUE COPY OF THE LETTER DATED 14/7/2004 OF THE PRINCIPLE AGRICULTURAL OFFICER, KOTTAYAM
- P6: TRUE COPY OF THE NOTICE DATED 13/7/2004 OF THE 3RD RESPONDENT.
- P7: TRUE COPY OF THE RECEIPT DATED 20/7/2004 OF PALA MUNICIPALITY FOR PAYMENT OF CONVERSION TAX
- P8: TRUE COPY OF THE LETTER NO.A.2678/2004 OF THE 3RD RESPONDENT.
- P9: TRUE COPY OF RELEVANT PORTIONS OF THE DATA BANK.
- P10: TRUE COPY OF THE APPLICATION DATED 30/4/2014 OF THE PETITIONER
- P11: TRUE COPY OF THE REPORT DATED 19/6/2014 OF THE VILLAGE OFFICER.
- P12: TRUE COPY OF THE LETTER DATED 2/7/201 OF THE ADDITIONAL TAHSILDAR.
- P13: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE R3

RESPONDENT(S)' EXHIBITS

- R4(A): TRUE COPY OF THE RELEVANT PAGE OF THE DRAFT DATA BANK

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

~~~~~  
**W.P.(C).Nos.22801/2014 and 31601/2014**  
~~~~~

Dated this the 23rd Day of September, 2015

J U D G M E N T

These writ petitions are filed respectively by the mother and son and daughter-in-law seeking relief to change classification of the land in the Basic Tax Register. The land of the petitioner in W.P.(C).No.22801/2014 is situated in survey Nos.38/14A and 38/14B of Lalam Village and the property of the petitioners in W.P.(C).No.31601/2014 is situated in Survey No.574/8A (Block No.80, Re-Survey No.38/14) of the same Village.

2. It is admitted by the learned Government Pleader that this is noted as converted land in the Draft Data Bank.

3. The Revenue Officials have no power to correct the entry in the Basic Tax Register. This Court is of the view that the petitioners shall approach the second respondent-District Collector under clause 6 of the Kerala Land Utilisation Order, 1967 (for short, "KLUO"). The second respondent shall permit the petitioners to utilise the land for other purposes on the basis of clause 6 of KLUO. Needful shall be done within a period of

W.P.(C).Nos.22801/2014 and 31601/2014
- : 2 : -

two months from the date of receipt of the application of the petitioners under KLUO. If the petitioners are granted permission under KLUO, the petitioners are free to approach the Tahsildar for reassessment of the land tax under the Land Tax Act.

The writ petitions are disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms