

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 23025 of 2014 (C)

PETITIONER(S):

**SR. ROSE CORNELIA, AGED 60 YEARS,
D/O.LATE NEDUMALA MANI, SUPERIOR GENERAL,
HOLY SPIRIT GENERALATE, SAMARITAN CONGREGATION,
PATTALAKUNNU DESOM, MANNUTHY P.O., THRISSUR TALUK,
THRISSUR DISTRICT - 680 651.**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S) :

- 1. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF RDO, THRISSUR DISTRICT- 680 003.**
- 2. TAHSILDAR,
TALUK OFFICE, THRISSUR TALUK, CHEMBOOKAVU,
THRISSUR- 680 020.**
- 3. VILLAGE OFFICER,
MULAYALAM VILLAGE, VALAKKAVU, KOZHUKKULLY P.O, 680 752,
THRISSUR DISTRICT.**
- 4. AGRICULTURAL OFFICER,
OFFICE OF THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
NADATHARA (NADATHARA GRAMA PANCHAYATH LIMITS),
KOZHUKKULLY P.O. 680 752, THRISSURDISTRICT.**

BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE BASIC TAX RECEIPT 08.08.2012 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXT.P2: TRUE COPY OF THE DOCUMENT NO.6617/2007 DATED 19.12.2007 OF SRO KUTTANELLUR.
- EXT.P3: TRUE COPY OF THE POSSESSION CERTIFICATE DATED 20.02.2009 ISSUED BY THE 4TH RESPONDENT.
- EXT.P4: TRUE COPY OF THE DRAFT DATA BANK ENTRY PREPARED BY THE 3RD RESPONDENT DATED NIL.
- EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 21.12.2013 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P6: TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.3704/2014 DATED 17.02.2014.
- EXT.P7: TRUE COPY OF THE REPORT SUBMITTED BY THE 4TH RESPONDENT DATED 19.06.2014.
- EXT.P8: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 30.07.2014.
- EXT.P9: TRUE COPY OF THE PHOTOGRAPH OF THE PROPERTY.
- EXT.P10: A TRUE COPY OF THE LETTER DATED 24.09.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.23025 OF 2014
.....

Dated this the 13th January, 2015

J U D G M E N T

The case of the petitioner is that the properties belonging to the petitioner are 'converted dry land' having reclaimed years back and that coconut trees having more than 15 to 20 years of age are standing in the said properties. Being aggrieved of wrong inclusion of the properties as 'paddy land' in the BTR, though the petitioner approached the second respondent/Tahsildar(who is the competent authority to rectify the mistake in the BTR, by virtue of Sec.6(2) and 18 of the Kerala Land Tax Act and Rule 5(1) of the Rules) by filing Ext.P8 application, the same is still to be acted upon. Hence this writ petition.

2. During the course of hearing, the learned Counsel for the petitioner submits that the only relief sought for is for issuance of a direction to the second respondent/Tahsildar to consider and dispose of Ext.P8 application, within a reasonable time to have reclassification of land. It is also stated that power and authority is vested with the second respondent in this regard, in view of the law declared by this Court in **2012(3)**

KHC 273 (Jalaja Dileep vs. RDO)

3. Heard the learned Government Pleader as well.

4. In view of the above facts and circumstances, the writ petition is disposed of, directing the second respondent/Tahsildar to consider and pass appropriate orders on Ext.P8, in the light of law declared by this Court in **2009 (3) KLT 899 (Shahanaz Shukkoor vs. Chelannur Grama Panchayat)** and **Jalaja Dileep vs. RDO (2012(3) KHC 273)**, which stands affirmed by a Division Bench of this Court as per the Decision in **RDO vs. Jalaja Dileep [2014 (1)KLT 161]**, after affording an opportunity of hearing to the petitioner, at the earliest , at any rate, within 'six' weeks 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 second respondent/Tahsildar for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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