

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. 24244 of 2014 (E)

PETITIONER(S) :

1. KURUVILA GEORGE
S/O.GEORGE, KADAKAMPILLI VEETIL, NILAMPATHINJIMUGAL
RAJAGIRIVALLEY P.O., KAKKANAD-682030
THROUGH HIS POWER OF ATTORNEY HOLDER, JACOB GEORGE.
2. ELIKUTTY GEORGE,
W/O.GEORGE, KADAKAMPILLI VEETIL, NILAMPATHINJIMUGAL
RAJAGIRIVALLEY P.O., KAKKANAD-682030
THROUGH HER POWER OF ATTORNEY HOLDER, JACOB GEORGE.
3. JACOB GEORGE, AGED 57 YEARS
S/O.GEORGE, KADAKAMPILLI VEETIL, NILAMPATHINJIMUGAL
RAJAGIRIVALLEY P.O., KAKKANAD-682030.

BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.RONY JOSE

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. REVENUE DIVISIONAL OFFICER,
CHENGANNUR, ALAPPUZHA DISTRICT, PIN-689121.
3. THE TAHSILDAR,
THALUK OFFICE, KARTHIKAPALLY THALUK
ALAPPUZHA DISTRICT, PIN-690512.
4. LOCAL LEVEL MONITORING COMMITTEE,
PALLIPADU PANCHAYAT, ALAPPUZHA DISTRICT, PIN-690512
REPRESENTED BY ITS CHAIRMAN.

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

EXT.P1: COPY OF THE THANDAPER REGISTER PERTAINING TO THANDAPER NUMBER
1068 ISSUED BY THE VILLAGE OFFICER OF PALLINADU VILLAGE.

EXT.P2: COPY OF THE BASIC TAX REGISTER PERTAINING TO PETITIONERS '
PROPERTY.

EXT.P3: COPY OF THE REPRESENTATION DATED 6.1.2014 MADE BY THE 3RD
PETITIONER TO THE 1ST RESPONDENT.

EXT.P4: COPY OF THE LETTER DATED 25.2.2014 ISSUED BY THE AGRICULTURAL
OFFICER; PALLIPAD VILLAGE TO THE 2ND RESPONDENT.

EXT.P5: COPY OF THE LETTER DATED 24.04.2014 ISSUED BY THE ADDITIONAL
THAHASILDAR TO THE 2ND RESPONDENT.

EXT.P6: COPY OF LETTER DATED 19.06.2014.

EXT.P7: COPY OF THE DATA BANK ENTRY WITH RESPECT TO PETITIONERS '
PROPERTY.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

vdv

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.24244 of 2014

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

“1. Issue a writ of certiorari or other appropriate writ order or direction quashing Ext.P6.

2. Issue a writ of mandamus or other appropriate writ order or direction directing the 2nd respondent to correct the entry in the Basic Tax Register relating to petitioners' property having an extent of 162.50 Ares situated in Re.Sy.No.255/3 of Pallipadu Village from that of 'Nilam' to 'Purayidam'.

3. Issue a writ of mandamus or other appropriate writ, order or direction directing the 4th respondent to correct the entry of petitioners' property in Data Bank Register of Re.Sy.No.255/3 and of Re.Sy.No.255/4 of Pallipadu village from that of 'Nilam' to 'Purayidam'.

4. Issue such other appropriate writ order or directing that may be deemed to be just and equitable in the facts and circumstances of the case.”

2. The learned counsel for the petitioners submits that the only prayer is to quash Ext.P6 and to correct the entry in the Basic Tax Register relating to petitioners' property having an extent of

162.50 Ares situated in Re.Sy.No.255/3 of Pallipadu Village from that of 'Nilam' to 'Purayidam' and the entry of petitioners' property in Data Bank Register of Re.Sy.No.255/3 and of Re.Sy.No.255/4 of Pallipadu village from that of 'Nilam' to 'Purayidam'.

2. 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.

3. 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 petitioners, 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 petitioners 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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