

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 27037 of 2015 (D)

PETITIONER(S):

**M.V.MANI, AGED 56 YEARS,
S/O.VELUKUTTY, MALAYAMKUNNATH HOUSE, (PO) NELLUVAI
ERUMAPPETTY, THRISSUR DISTRICT.**

BY ADV. SRI.P.BHASKARAN

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
THRISSUR-680 003.**
- 2. THE THASILDAR, TALAPPILLY,
POST WADAKANCHARY, THRISSUR DISTRICT, PIN-680 582.**
- 3. THE VILLAGE OFFICER,
KARIYANNUR VILLAGE, THRISSUR DISTRICT, PIN-680 582.**
- 4. ERUMAPPETTY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, POST ERUMAPPETTY,
THRISSUR DISTRICT, PIN-680 583.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE SALE DEED NO.1877/98 DATED 1-12-1998
- P2 : TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER DATED 5-5-2015
- P3 : TRUE COPY OF THE BTR DATED 24-6-2015 ISSUED BY THE VILLAGE OFFICER, KARIYANNUR.
- P4 : TRUE COPY OF THE DATA BANK ISSUED BY THE REVENUE AUTHORITIES.
- P5 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2002-03 DATED 4-6-2002.
- P6 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2003-04 DATED 6-5-2003.
- P7 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2004-05 DATED 17-4-2004.
- P8 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2006-07 DATED 15-7-2007
- P9 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2007-08 DATED 14-7-07
- P10 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2008-09 DATED 19-7-2008
- P11 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2009-2010 DATED 8-6-2009
- P12 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2010-11 DATED 24-9-2010
- P13 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2011-12 DATED 27-8-11
- P14 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2012-13 DATED 31-5-12
- P15 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2013-14 DATED 24-6-13.
- P16 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2014-15 DATED 7-6-2014.

PJ

WP(C).No. 27037 of 2015 (D)

**P17 : TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT FOR 2015-16
DATED 12-5-2015.**

**P18 : TRUE COPY OF THE CERTIFICATE IF REGISTRATION ISSUED BY THE
COMMERCIAL TAX DEPARTMENT DATED 7-6-2007**

**P19 : TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE DIC
DATED 30-4-93.**

**P20 : TRUE COPY OF THE LICENCE ISSUED BY THE AUTHORITIES UNDER THE
FACTORIES ACT 1948 DATED 13-6-95.**

P21 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE 4TH RESPONDENT.

**P22 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT DATED 20-8-2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.27037 of 2015

Dated this the 8th day of September, 2015.

J U D G M E N T

The petitioner has approached the District Collector by Ext.P22. In Ext.P22, the petitioner has prayed for a change of entries in the BTR, apart from seeking the relief under Clause 6 of Kerala Land Utilisation Order.

2. In respect of the petitioner's prayer for correction in the BTR, the same cannot be granted by the District Collector in the light of the judgment of the Honourable Supreme Court in **Revenue Divisional Officer Vs. Jalaja Dileep (2015(1)KLT 984(SC))**. However, the District Collector shall consider the petitioner's request under Clause 6 of KLU Order for utilising the land for other purpose. The petitioner relies on Exts.P4, P5 and P6 and other documents to show the existence of factory building in the property. There shall be a direction to the respondent to take proper decision, after affording the petitioner an

opportunity of being heard, within a period of 2 months of receipt of copy of this judgment.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge