

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 27453 of 2015 (F)

PETITIONERS:

- 1. JOSEPH MARTIN, AGED 52 YEARS,
S/O.AUGUSTINE FERNANDEZ, 40/268,
LAYAM ROAD, KOCHI-682 011.**
- 2. UNNI MARY, W/O.REJOY ALFUS, GLORIA,
HMC LANE, KALOOR, KOCHI-682 017.**

BY ADV. SRI.ABRAHAM JOHN

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
ERNAKULAM - 682 030.**
- 2. VILLAGE OFFICER, ALANGAD,
ERNAKULAM - 683 511.**
- 3. STATE OF KERALA,
REPRESENTED BY THE REVENUE SECRETARY,
SECRETARIAT, TRIVANDRUM - 695 001.**

BY GOVERNMENT PLEADER SRI.SOYUZ.P.K.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : THE COPY OF TAX RECEIPT DATED 25.5.2015.
- EXT. P2 : THE COPY OF TAX RECEIPT DATED 24.4.2013.
- EXT. P3 : A TRUE COPY OF THE APPLICATION GIVEN UNDER THE RIGHT TO INFORMATION ACT DATED 3.2.15.
- EXT. P4 : THE REPLY GIVEN BY THE 2ND RESPONDENT TO THE EXT. P3 APPLICATION DATED NIL.
- EXT. P5 : TRUE COPY OF THE APPLICATION DATED 3.2.2015.
- EXT. P6 : A TRUE COPY OF THE REPLY GMEN TO THE 1ST PETITIONER DATED 28.2.2015.
- EXT. P7 : TRUE COPY OF THE APPLICATION GIVEN BY THE 1ST PETITIONER TO THE 2ND RESPONDENT ON 3.2.2015.
- EXT. P8 : TRUE COPY OF THE REPLY ISSUED BY THE 2ND RESPONDENT DATED 5.2.2015.
- EXT. P9 : TRUE COPY OF THE APPLICATION FILED BY THE PETITIONERS DATED 27.2.2015.
- EXT. P10: A TRUE COPY OF THE RECEIPT GIVEN TO THE PETITIONER DATED NIL.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

.....
W.P.(C) No.27453 of 2015 (F)

.....
Dated this the 11th day of September, 2015

JUDGMENT

The petitioners have approached this Court, alleging that the revenue officials have failed to correct the entries in the Basic Tax Register [for short, 'BTR'] relating to the property of the petitioner.

2. The learned counsel for the petitioners submits that, the petitioners are the title holders of immovable properties having registered sale deed Nos.6129/80 and 6127/80 respectively. The properties are in the nature of dry land, but in the BTR kept in the office of the 2nd respondent/Village officer is wrongly mentioned as wet land. Accordingly, the petitioners submitted Ext.P7 application before the 2nd respondent/Village Officer to make necessary amendments in the BTR, which was refused by the 2nd respondent/Village Officer. Being aggrieved by the same, petitioners filed Ext.P9 application before the Revenue Survey Adalath conducted by the Chief Minister, which was forwarded to the 1st respondent/District Collector for necessary action and the 1st respondent/District Collector failed to take any action on the same. Hence this writ petition.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances of the case, this Court is of the view that, the revenue officials have no power to correct the BTR. However, if the petitioners approach the 1st respondent/District Collector, with an application in terms of Clause 6(2) of the Kerala Land Utilisation order, then the same shall be considered in accordance with law, after calling a report from the Agricultural Officer for verification of the nature of the land in the draft data bank. This shall be done within two months from the date of receipt of application from the petitioner.

5. If application is allowed, it is open for the petitioner to approach the Tahsildar of the concerned competent jurisdiction to re-assess the land under the Land Tax Act.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

AMV/14/09/