

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 29984 of 2015 (W)

PETITIONER :

**NASEER, AGED 38 YEARS, S/O.KAREEM,
THEENATTU, THAIKATTUKARA.P.O., ALUVA,
ERNAKULAM-683 106.**

**BY ADVS.SRI.C.A.MAJEED
SRI.K.H.ASIF**

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER,
FORTKOCHI, ERNAKULAM-682 001**
- 2. TAHSILDAR, TALUK OFFICE, ALUVA,
ERNAKULAM-683 106**
- 3. VILLAGE OFFICER, CHOORNIKARA VILLAGE,
ALUVA, ERNAKULAM-683 106.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SALE DEED NO.1494/15 DATED 11/05/2015**
- P2 COPY OF THE APPLICATION DATED 31/01/2015 SUBMITTED BY THE PREVIOUS OWNER OF THE PROPERTY, MR.NOUSHAD, BEFORE THE 2ND RESPONDENT**
- P3 COPY OF THE LAND TAX RECEIPT DATED 09/06/2015 IN THE NAME OF THE PETITIONER.**
- P4 COPY OF THE REPRESENTATION DATED 14/07/2015 PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT**
- P5 COPY OF THE ACKNOWLEDGMENT EVIDENCING THE RECEIPT OF EXT.P4 BY THE 2ND AND 3RD RESPONDENTS.**
- P6 COPY OF THE REPRESENTATION DATED 14/07/2015 ALONG WITH RECEIPT OF REGISTERED POST ADDRESSED TO THE 1ST RESPONDENT**
- P7 COPY OF THE JUDGMENT DATED 27/03/2014 IN WPC.23351 OF 2015 AND CONNECTED MATTERS.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A. MUHAMED MUSTAQUE, J

W.P.(C).No. 29984 of 2015

Dated this the 01st day of October, 2015

JUDGMENT

The petitioner has approached the Revenue Divisional Officer to effect changes in Basic Tax Register Records(BTR) from 'Nilam' to 'Parambu'.

2. This Court is of the view that such an application is not maintainable as Revenue Divisional Officer has no such power. However, the petitioner is free to invoke the power of Revenue Divisional Officer under Clause 6 of the Kerala Land Acquisition Order to utilise the land for other purposes.

3. The learned counsel for the petitioner submits that the petitioner has already constructed a residential building in the land and it is surrounded by the residential houses.

4. This Court is of the view that the Revenue Divisional Officer shall verify the above fact, if there is a

building in the land and it is surrounded by the other residential building, necessary permission shall be granted to the petitioner to utilise the land for other purposes under Clause 6 of the Kerala Land Utilisation Order, 1967. The conversion of the land without obtaining the permission from the Revenue Divisional Officer under Clause 6 of the Kerala Land Utilisation Order is not a bar in considering such application. Therefore, needful shall be done within a period of two months from the date of receipt of such application from the petitioner.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE

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