

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 30036 of 2015 (D)

PETITIONER :

**RISHAL MATHEW GEORGE
S/O.GEORGE MATHAI, AGED 26 YEARS
HOUSE NO.28/3096, NEDUMCHALIL HOUSE
CHERUPARAMBATH ROAD, KADAVANTHRA,
ERNAKULAM DISTRICT, KOCHI-682 020.**

BY ADV. SRI.K.C.SUDHEER

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
CIVIL STATION, ALAPPUZHA, PIN – 688 501.**
- 2. THE REVENUE DIVISIONAL OFFICER
ALAPPUZHA DISTRICT, PIN – 688 501.**
- 3. THE VILLAGE OFFICER
KODAMTHURUTHU-688 542..**

R1 TO R3 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 30036 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE SALE DEED NO.635 OF 2009 OF KUTHIATHODU
SUB REGISTRY.

EXHIBIT-P2: TRUE COPY OF THE CERTIFICATE DATED 28.6.2008.

EXHIBIT-P3: TRUE COPY OF THE LAND TAX RECEIPT DATED 22.06.2012.

EXHIBIT-P4: TRUE COPY OF THE APPLICATION DATED 04.11.2013 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT-P5: TRUE COPY OF THE REPORT DATED 10.12.2014 SUBMITTED BY THE
3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 30036 of 2015

Dated this the 5th day of October, 2015

J U D G M E N T

Petitioner claims to be the owner and in possession of landed property having an extent of 22.500 cents comprised in Sy.No.258/16A1 of Kodamthuruthu Village. The petitioner approached the Revenue Divisional Officer by Ext.P4 application to get changed the nature of the petitioner's property in the Basic Tax Register as 'Purayidam' instead of 'Nilam'. On account of non-consideration, petitioner approached this Court.

2. The Revenue Divisional Officer has no power to correct the B.T.R. However, he has power under clause 6 of the Kerala Land Utilisation Order to permit the petitioner to utilise the land for other purposes. It is seen from Ext.P5 report of the Village Officer that it is a converted land.

3. Therefore, this Court is of the view that the R.D.O. shall call

for the report of the Agricultural Officer and find out the nature of the land. If it is not included in the draft data bank as 'nilam', paddy or wet land, the petitioner's request in terms of clause 6 shall be considered. If petitioner makes a request within two weeks from the date of receipt of a copy of this judgment under clause 6 of the Kerala Land Utilisation Order, the same shall be considered within a further period of two months after notice to the petitioner. If it is granted, it is open for the petitioner to approach the Tahsildar for reassessment under the Kerala Land Tax Act.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO.30036 of 2015

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