

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. 30037 of 2015 (D)

PETITIONER:

**JOSEPH MARTIN, AGED 52 YEARS,
S/O.AUGUSTINE FERNANDEZ, 40/268,
LAYAM ROAD, KOCHI - 682 011.**

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 SMT.C.K.SHERIN

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

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE TAX RECEIPT DATED 25.5.2015.
- EXT. P2 : TRUE COPY OF THE REPLY GIVEN TO THE PETITIONER.
- EXT. P3 : TRUE COPY OF THE APPLICATION BEFORE THE REVENUE SURVEY
ADALATH CONDUCTED BY THE CHIEF MINISTER DATED 27.2.2015.
- EXT. P4 : TRUE COPY OF THE JUDGMENT DATED 11.9.2015 IN WPC.27453/2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P(C)No. 30037 of 2015

Dated this the 5th day of October, 2015

J U D G M E N T

The petitioner has 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 petitioner submits that, the petitioner is the title holder of immovable properties comprised in Sy.No.26/3 of Alangad Village having registered Sale Deed No.6128/80 of Paravoor Sub Registry Office. The property is 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 petitioner submitted Ext.P3 application before the Revenue Survey Adalath conducted by the Chief Minister, which was forwarded to the first respondent/District Collector for necessary action and the first 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 petitioner approaches the first 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.

If application is allowed, it is open for the petitioner to approach the Tahsildar of the concerned competent jurisdiction to reassess the land under the Land Tax Act. This writ petition is disposed of as above.

sd/-

MBS/

A.MUHAMED MUSTAQUE,
Judge

