IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 30922 of 2015 (M)

PETITIONER :

K.K. SUNIL
KUNDOLY HOUSE, 53/870, UDAYA NAGAR,
AYYANTHOL P.O., THRISSUR-680003.

BY ADVS.SRI.P.RAVINDRA NATH
SRI.N.KRISHNA PRASAD

RESPONDENTS :
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1. **STATE OF KERALA**
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF REVENUE,
   GOVERNMENT SECRETARIAT, TRIVANDRUM-695001.

2. **THE REVENUE DIVISIONAL OFFICER,THRISSUR.**

3. **THE ADDITIONAL TAHSILDAR, TALUK OFFICE,**
   THALAPALLY-680505, THRISSUR DISTRICT.

4. **THE VILLAGE OFFICER,**
   CHOONDAL VILLAGE, VILLAGE OFFICE,
   CHOONDAL POST-680502 THRISSUR DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

WP(C).No. 30922 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ORDER OF THE REVENUE DIVISIONAL OFFICER, THRISSUR DATED 22-10-2008.

EXHIBIT P2: TRUE COPY OF THE AMENDED BASIC TAX REGISTER MAINTAINED IN THE CHOONDAL VILLAGE.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 27-3-2014.

EXHIBIT P4: TRUE COPY OF THE JUGMENT DATED 10-6-2015 IN WPC NO. 18637 OF 2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 30922 of 2015

Dated this the 12th October,2015

JUDGMENT

The petitioner has approached this Court seeking for a direction to the third respondent to correct the Basic Tax Register in the light of Exhibit P1 order of the Revenue Divisional Officer. It appears that the petitioner has approached the Revenue Divisional Officer in the year 2008 for the purpose of effecting changes in the Basic Tax Register.

2. It is not discernible under what provision of law Exhibit P1 was issued by the Revenue Divisional Officer in the year 2008. There is no provision to correct the Basic Tax Register by the Revenue officials. However, as seen from Exhibit P1, this is a converted land. If that be so, the petitioner is entitled to move the Revenue Division Officer under Clause 6 of the Kerala Land Utilisation Order to utilise the properties of the petitioner for other purposes.

3. In the above view of the matter, this Court is of the view that if the petitioner approaches the Revenue Division Officer within two weeks from the date of receipt of a copy of this judgment, the Revenue Divisional Officer shall consider the petitioner's case in view of Clause 6 of the Kerala Land Utilisation Order, after calling report from the Agricultural Officer concerned as to the nature of the land in the Draft Data Bank, either as a paddy land or 'Nilam' or wet land. If the land referred to above is not classified as paddy land, or wet land or 'Nilam', the same shall be considered for the purpose of granting permission under Clause 6 of the Kerala Land Utilisation Order. Once the application is allowed, it is also open for the third respondent to consider the request of the petitioner under the Land Tax Act for re-assessment of the land tax. Needful shall be done by the second respondent within two months from the date of receipt of application from the petitioner. The third respondents shall also do the needful, if the petitioner's application under Clause 6 of the Kerala

Land Utilisation Order is allowed, within two months thereafter.

The Writ Petition is disposed of as above.

A.MUHAMED MUSTAQUE
JUDGE

vgs12/10/15