

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 31867 of 2014 (G)

PETITIONER(S):

**RENJAN VARGHESE,
A 84, ASOKA APARTMENTS, MARINE DRIVE
KOCHI.**

**BY ADVS.SRI.L.MOHANAN
SMT.LIGEY ANTONY**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR
ERNAKULAM-682030.**
- 2. THE TAHSILDAR
KANAYANNOOR TALUK, ERNAKULAM-682011.**
- 3. THE VILLAGE OFFICER
VAZHAKKALA VILLAGE, ERNAKULAM-682021.**

BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1 : TRUE COPY OF THE SALE DEED NO.1517/2005 DT.21-3-2005 OF THRIKKAKARA SRO.
- EXT. P2 : TRUE COPY OF THE TAX RECEIPT DT.19-9-2005.
- EXT. P3 : TRUE COPY OF THE LOCATION SKETCH DT.25-9-2005 ISSUED FROM THE VILLAGE OFFICE.
- EXT. P4 : TRUE COPY OF THE SALE DEED NO.1914/07 DT.13-4-2007 OF THRIKKAKARA SRO.
- EXT. P5 : TRUE COPY OF THE TAX RECEIPT DT.27-10-2007.
- EXT. P6 : TRUE COPY OF THE DOCUMENT NO.656/2005 DT.10-2-2005 OF THRIKKAKARA SRO.
- EXT. P7 : TRUE COPY OF THE DOCUMENT NO.1000/2005 DT.26-2-2005 OF THRIKKAKARA SRO.
- EXT. P8 : TRUE COPY OF THE TAX RECEIPT DT.13-10-14 OF THE DOCUMENT NO.656/05.
- EXT. P9 : TRUE COPY OF THE TAX RECEIPT DT.7-10-14 THE DOCUMENT NO.1000/05.
- EXT. P10 : TRUE COPY OF THE INTIMATION FROM R3 DT.11-11-2014.
- EXT. P11 : TRUE COPY OF THE INTIMATION FROM THRIKKAKARA MUNICIPALITY DT.17-11-14.

RESPONDENT(S)' EXHIBITS

- EXT.R2(A): TRUE COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 31867 of 2014

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(a) issue a writ of mandamus or other appropriate writ or order or direction directing the Respondents to correct Ext.-P8 and P9 obliterating the word 'Nilam' from therein and commanding them not to describe petitioner's property as 'nilam' any more in further revenue records.*
- (b) to grant such other reliefs which petitioner may ask for and those which this Hon'ble Court deem fit and necessary.”*

2. A counter affidavit has been filed by the 2nd respondent pointing out that, the property has been shown as a converted land in the Data Bank Register about five years prior to the commencement of the Act 28/2008 as borne by Ext.R2(a). It is also pointed out that, the correction of the BTR as sought for by the petitioner is not liable to be entertained in view of the pendency of the SLP preferred before the apex Court.

3. Today it is brought to the notice of this Court that, the matter pending before the Apex Court has been finalized passing

the verdict on 10.03.2015, in favour of the Revenue and in turn setting aside the verdict passed by the Division Bench of this Court reported in **RDO vs. Jalaja Dileep [2014(1) KLT 161]**. In the said circumstances, the relief sought for by the petitioner to correct the BTR is not liable to be entertained. It is declared accordingly. This will not prevent the petitioner for getting appropriate orders by approaching the concerned authorities with reference to the provisions of the KLU as observed by the Apex Court in paragraph 21 of the judgment reported in **Revenue Divisional Officer V. Jalaja Dileep 2015 (1) KLT 984 (SC)**.

The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.