

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.M. SHAFFIQUE

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 32992 of 2014 (Y)

PETITIONER:

VALSA MATHAI, AGED 50 YEARS
W/O. MATHAI, MEEMPARA PUTHENPURA HOUSE
VADAYAMPADY KARA, AIKKARANAD SOUTH VILLAGE
KUNNATHUNADU TALUK, PUTHENCROZ P.O. - 682 308.

BY ADVS. SRI. V. RAJENDRAN (PERUMBAVOOR)
SRI. GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO REVENUE DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. REVENUE DIVISIONAL OFFICER
MUVATTUPUZHA - 686 661.
3. ADDITIONAL TAHSILDAR
TALUK OFFICE, KUNNATHUNADU, CIVIL STATION
PERUMBAVVOR - 683 542.
4. VILLAGE OFFICER
AIKKARANAD SOUTH VILLAGE OFFICER
KOLENCHERY P.O. - 682 311.
5. AGRICULTURAL OFFICER
KRISHI BHAVAN, POOTHRIKKA, VADAYAMPADY P.O.
CONVENOR
LOCAL LEVEL MONITORING COMMITTEE - 682 308.

BY GOVERNMENT PLEADER MR. MUHAMMED SHAFI. M.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF SALE DEED NO. 853 DATED 25/02/93 OF PUTHENCruz
SUB REGISTRY OFFICE.

EXHIBIT P2: TRUE COPY OF LOCATION SKETCH OF EXHIBIT P1 PROPERTY ISSUED
FROM THE OFFICE OF 4TH RESPONDENT BEARING NO. 3702/10 DATED 30/12/10.

EXHIBIT P3: TRUE COPY OF ORDER OF 2ND RESPONDENT BEARING NO. A9-1651/02
(2) DATED 10/11/2013.

EXHIBIT P4: TRUE COPY OF JUDGMENT OF THIS HON'BLE COURT IN O.P. 14087/2002
DATED 05/09/2005.

EXHIBIT P5: TRUE COPY OF PETITION FILED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT ON 25/02/2014.

EXHIBIT P6: TRUE COPY OF REPORT SUBMITTED BY 4TH RESPONDENT BEFORE THE
2ND RESPONDENT ON EXHIBIT P5 PETITION DATED 28/06/14 BEARING NO. 42/2014.

EXHIBIT P7: TRUE COPY OF NOTICE ISSUED BY 2ND RESPONDENT TO THE
PETITIONER BEARING NO. A9-4833/2014 DATED 21/07/2014.

EXHIBIT P8: TRUE COPY OF PETITION FILED BY THE PETITIONER BEFORE THE 5TH
RESPONDENT ON 06/08/2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

A.M. SHAFFIQUE, J.

W.P.(C) No.32992 of 2014

Dated this the 9th day of April, 2015

JUDGMENT

Petitioner has approached this Court seeking the following relief:

i) To call for the records leading to Exhibit P7 and quash the order by issuing a writ of certiorari.

ii) To issue a writ of mandamus or any other appropriate writ, order or direction, directing respondents 2 and 3 to effect necessary changes in the BTR and other revenue records relating to Exhibit P1 property by classifying the property as garden land or converted land in the place of nilam within a time stipulated by this Hon'ble Court.

iii) To issue necessary directions to the 5th respondent to consider and take necessary steps to cure the defect in the data bank relating to Exhibit P1 property of the petitioner within a time limit.

iv. To grant such other reliefs which this Hon'ble Court deems fit and proper in the circumstances of the case.

2. This issue is covered by the judgment of the Supreme Court in **Revenue Divisional Officer v. Jalaja Dileep [2015(1) KLT 984]**.

It is not is dispute that the petitioner's property is shown as paddy land in the Data Bank entries of the Local Level Monitory Committee as well as in the Basic Tax Register. If the petitioner wants correction of the said entries, the petitioner will have to approach the Local Level Monitory Committee in the first instance and thereafter if such entries are corrected by the LLMC, the petitioner will have to approach the Revenue Divisional Officer requesting for conversion in terms of Clause 6 of the Land Utilisation Order. Since no such action has been initiated by the petitioner so far, there is no basis in keeping the writ petition pending. If any such application is filed by the petitioner, the concerned authorities shall consider the same in accordance with law.

With the above observation, this writ petition is disposed.

Sd/-
A.M. SHAFEEQUE,
JUDGE

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