

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 33589 of 2014 (W)

PETITIONER

**V.RAJENDRAN, AGED 62 YEARS
S/O.LATE P.K.VASUDEVANNAIR, KAPPILLIL HOUSE
PULLUVAZHY KARA, RAYAMANGALAM VILLAGE
KUNNATHUNADU TALUK.**

BY ADV. SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO REVENUE DEPARTMENT
SECRETARIAT,THIRUVANANTHAPURAM-695 001**
 - 2. DISTRICT COLLECTOR, ERNAKULAM
CIVIL STATION, KAKKANAD - 682 030**
 - 3. REVENUE DIVISIONAL OFFICER
MUVATTUPUZHA - 686 661**
 - 4. ADDITIONAL TAHSILDAR
KUNNATHUNADU TALUK, TALUK OFFICE, PERUMBAVOOR-683 542**
 - 5. VILLAGE OFFICER
RAYAMANGALAM VILLAGE, PULLUVAZHY - 683543**
- R BY GOVERNMENT PLEADER SRI.P.K SOYUZ**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE PHOTOGRAPHS SHOWING THE NATURE OF THE PROPERTY OF THE PETITIONER**
- EXT.P2 - TRUE COPY OF THE SETTLEMENT DEED NO.1406/99 OF KURUPPAMPADY SRO DATED 31-5-99**
- EXT.P3 - TRUE COPY OF THE TAX RECEIPT NO.4308738 DATED 25-2-14 ISSUED FROM RAYAMANGALAM VILLAGE OFFICE**
- EXT.P4 - TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED FROM RAYAMANGALAM VILLAGE OFFICE TO THE PETITIONER ON 18-3-14 BEARING THE 4TH RESPONDENT BEARING NO.5742023**
- EXT.P5 COPY OF PETITION FILED BY THE PETITIONER FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 16-4-2014**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

P.R. RAMACHANDRA MENON,J

.....
W.P.(C) No. 33589 OF 2014

.....
Dated this the 1st day of April, 2015.

J U D G M E N T

The petitioner has approached this Court with the following prayers:

i) To issue a writ of mandamus or any other appropriate writ order or direction, directing respondents 2 to 4 to effect necessary changes in the BTR and other revenue records relating to Exhibit P2 property of the petitioner by classifying the property as garden land or converted land in the place of nilam within a time stipulated by this Hon'ble Court on the basis of Exhibit P5 petition filed by the petitioner.

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

It is submitted that the property came to be included in the draft data bank register as a converted land

2. Heard the learned Government Pleader as well. It is submitted that that by virtue of the law declared by Apex Court as per the decision reported in **Revenue Divisional Officer v. Jalaja Dileep (2015(1) KLT 984) (SC)**, though the basic tax register cannot be corrected with reference to

the power and procedure under Section 18 of the Land Tax Act, the parties are at liberty to move the concerned authority by way of petition under Clause 6(2) of the KLU Order,

3. In the above circumstances, the petitioner is at liberty to file a fresh application under clause 6(2) of the KLU order before the third respondent within two weeks upon which the same shall be considered and appropriate orders shall be passed in accordance with law, after hearing the petitioner and also with reference to the observation made by the Apex Court as per the decision cited supra, at the earliest, at any rate within a period of two months from the date of receipt of a copy of this judgment.

4. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 3rd respondent or further steps.

The writ petition is disposed of.

smm

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-

**P.R. RAMACHANDRA MENON,
JUDGE**

smm

