

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 39063 of 2015 (G)

PETITIONER:

SUDHEER, S/O.VIDHYADHARAN,
'SREEJA BHAVAN', HOUSE NO 2280(411)
KALLIKADU, NEYYAR DAM P O, NEYYATTINKARA TALUK
THIRUVANANTHPAURAM
REP BY HIS POWER OF ATTORNEY SRI MADHAVAN K
S/O KAMALASANA PANICKER, RAJEEV BHAVAN,
PAZHAYAKOTTAPURAM, KALLIKADU
NEYYAR DAM, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM
KERALA

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS:

1.VILLAGE OFFICER, KALLIKADU
NEYYAR DAM, NEYYATTINKARA TALUK
THIRUVANANTHAPURAM 695121

2.THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM 695001

BY SRI C.K.SHERIN, GOVERNMENT PLEADER

THIS WRIT PETITION(CIVIL) HAVING COME UP FOR ADMISSION ON 22-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 39063 of 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1: COPY OF SALE DEED NO 257/2015 DTD 31/3/2015 EXECUTED IN FAVOUR OF THE PETITIONER
- P2: COPY OF THE SETTLEMENT DEED NO 727/1995 DTD 16/5/1995 WHICH IS THE PRIOR DEED OF THE EXT P1
- P3: COPY OF THE CERTIFICATE DTD 18/9/2015 ISSUED BY THE 1ST RESPONDENT
- P4: COPY OF THE REPRESENTATION DTD 15/10/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

RESPONDENT(S) ' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.39063 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioner approached the second respondent by Ext.P4 to correct the Basic Tax Register by re-classifying his land as 'nilam' to 'dry land'.

This Court is of the view that the second respondent has no power under law to re-classify the land. However, if the petitioner's land is a converted paddy land, he is free to approach the District Collector under Section 3A of the amended provisions of the Act 28/2008. If the petitioner makes a requisite application in the form prescribed under the Act 28/2008, the same shall be considered for regularization within two months from the date of receipt of the application. If the regularization is granted, it is open for the petitioner to

approach the Tahsildar to reassess the land under the Kerala Land Tax Act. Once the regularization is granted, the petitioner is free to utilize the land in accordance with law as 'dry land'.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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