(2018) 03 KL CK 0064

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 36801 Of 2016

Babu Abraham @APPELLANT@Hash Revenue Divisional Officer And Ors

Date of Decision : 01-03-2018

Acts Referred:

Citation : (2018) 03 KL CK 0064

Hon'ble Judges : A.K. Jayasankaran, J

Bench : Single Bench

Advocate : Alias M.Cherian, Paul Abraham Vakanal

Final Decision : Disposed Off

Judgement

1. The petitioner, who is stated to be in absolute ownership and possession of an extent of 30.76 Ares of land in Survey No. 1465/10 of Kothamangalam Village, has approached this Court seeking a direction to the 1st respondent to consider Ext.P8 application submitted by the petitioner for correction of the entries in the Basic Tax Register.

2. When the matter came up for admission, this Court had called for a report from the Local Level Monitoring Committee [LLMC], as regards the nature and lie of the land belonging to the petitioner. A report has since been filed by the LLMC, which would indicate that the land belonging to the petitioner was 'dry land' even prior to the enactment of the Kerala Conservation of Paddy Land and WetLand Act, 2008 (hereinafter referred to as '2008 Act'). Taking note of the said report of the LLMC, the writ petition is disposed,

(i) by declaring that the land of the petitioner comprising of 30.76 Ares of land in Sy.No.1465/10 of Kothamangalam Village, is not either paddy land or wet land, for the purposes of inclusion in the Land Data Bank prepared in accordance with the 2008 Act.

(ii) The 3rd respondent is directed to exclude the said land of the petitioner from the Land Data Bank. If the data bank is at the draft stage, the land shall be excluded before finalising the data bank, and notifying the same. If, on the other hand, the data bank has already been finalised, and notified through publication

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/babu-abraham-appellanthash-...

in Gazette, then the 3rd respondent shall issue a corrigendum notification showing the exclusion of the land from the data bank, and publish the said corrigendum notification in the Gazette. In the meanwhile, the 3rd respondent shall, after excluding the land from the data bank, issue a certificate to the petitioner within a period of two weeks from the date of receipt of a copy of this judgment, certifying that the land in question has been excluded from the data bank. The petitioner can utilise the said certificate for approaching the 1st respondent Revenue Divisional Officer, along with an application under Clause 6 of the Kerala Land Utilisation Order [hereinafter referred to as the 'KLU Order'] for getting permission to utilise the land for other purposes. The 1st respondent shall, on receipt of the application from the petitioner, consider the said application in the light of the certificate issued by the LLMC, and pass orders thereon within a period of six weeks from the date of production of the certificate of the 3rd respondent, before him.

(iii) The petitioner shall also, in the event of receipt of the certificate from the 3rd respondent, and the order from the 1st respondent permitting conversion under the KLU Order, produce copies of the same before the Land Tax Authorities, for causing a fresh assessment and consequential change in classification of the land in the Basic Tax Register.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/babu-abraham-appellanthash-...