

(2015) 04 KL CK 0078

In the High Court Of Kerala

Case No : Writ Petition (C). No. 22119 of 2014 (L)

Gazabo Builders and Developers Pvt. Ltd.

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 08-04-2015

Acts Referred:

Citation : (2015) 04 KL CK 0078

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : P.B. Krishnan, Sabu George, P.M. Neelakandan and P.B. Subramanyan, for the Appellant; Anitha Ravindran, Senior Government Pleader, Advocates for the Respondent

Final Decision : Disposed off

Judgement

P.R. Ramachandra Menon, J—The petitioner has approached this Court with the following prayers:

"1. Issue a writ of certiorari calling for the records relating to Exts. P9, P13, P14 and P15 and quash the same.

2. Issue a writ of mandamus order or direction in the nature thereof directing Respondent No. 5 to correct the category of the petitioner's properties having an extent of 54.40 ares comprised in Re.Sy. No. 25/7/2, and 48.45 ares comprised in Re.Sy. No. 25/6 of the Komalapuram Village as reclaimed land in the Data Bank published under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 or remove those properties from the data bank.

3. Issue a writ of mandamus or direction in the nature thereof directing Respondent No. 3 to correct the category of the petitioner's properties having an extent of 03.45 ares comprised in Re.Sy No. 25/8, 41.88 ares comprised in Re.Sy. No. 25/7/2, 62.79 ares comprised in Re.Sy. No. 25/2/2/1, 2.75 ares comprised in Re.Sy. No. 25/2, 04.05 ares comprised in Re.Sy. No. 25/6/2, 48.45 ares comprised in Re.Sy. No. 25/6, 12.26 ares comprised in Re.Sy. No. 25/7 and

28.34 ares comprised in Re.Sy. No. 33/2/4 of the Komalapuram Village as reclaimed land in the Basic Tax Register.

4. Issue such other writ, order or direction as this Honourable Court deems fit and necessary in the circumstances of the case."

2. Heard the learned Government Pleader as well, who submits that by virtue of the law declared by Apex Court as per the decision reported in Revenue Divisional Officer Fort and Others Vs. Jalaja Dileep and Others(2015) 3 AD 631 : (2015) 3 SCALE 323 , the classification cannot be changed in the BTR. However, if a proper application is filed under Clause 6(2) of the KLU Order, it will be considered and appropriate orders will be passed within reasonable time.

3. In the said circumstance, the writ petition is disposed of, directing the 4th respondent to consider and pass appropriate orders on the application, if any filed in this regard, by the petitioner, in accordance with law, with reference to Clause 6(2) of the KLU Order, after calling for a report from the 7th respondent with regard to the nature of the land in question and after hearing, in the light of the law declared by the Apex Court as per the decision cited supra. This shall be done at the earliest, at any rate, within "two months" from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 4th respondent for further steps.