

Alias Vs. the District Collector

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Court : Kerala

Decided On : Oct-31-2014

Judge : Honourable Mr. Justice a.Muhamed Mustaque

Appellant : Alias

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE FRIDAY, THE 31ST DAY OF OCTOBER 2014 9TH KARTHIKA, 1936 WP(C).No. 21821 of 2014 (C) ----- PETITIONER : ----- ALIAS S/O.LATE MATHAI, THELAPPILLY, PULIYANAM P.O PARAKKADAVU, ALUVA, ERNAKULAM BY ADV. SRI.G.SANTHOSH KUMAR (P). RESPONDENT(S): ----- 1. THE DISTRICT COLLECTOR ERNAKULAM DISTRICT, PIN - 682 030 2. THE ADDITIONAL TAHSILDAR ALUVA TALUK, ALUVA, ERNAKULAM DISTRICT, PIN - 683 101 3. THE VILLAGE OFFICER PARAKADAVU, ERNAKULAM DISTRICT PIN - 683 101 4. THE PRINCIPAL AGRICULTURAL OFFICER PARAKADAVU, ERNAKULAM DISTRICT PIN - 683 101 5. SECRETARY PARAKADAVU GRAMA PANCHAYATH ERNAKULAM DISTRICT PIN - 683 101 R1 TO R4 BY SPL.ADV. GOVERNMENT PLEADER P. K. SOYUZ R5 BY SRI. G. SANTHOSH KUMAR THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-10-2014, ALONG WITH WPC. 22917/2013, WPC. 23028/2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: VS

WP(C).No. 21821 of 2014 (C) ----- APPENDIX
PETITIONER(S)' EXHIBITS ----- EXHIBIT P1 TRUE
PHOTO COPY OF THE PARTITION DEED NO7732008 DATED0102-2008
EXHIBIT P2 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE
DATED0502-2014 ISSUED BY THE SUB REGISTRAR,CHENGAMANAD
EXHIBIT P3 TRUE COPY OF THE TAX RECEIPT DATED0402-2014 ISSUED BY
PARAKKADAVU VILLAGE OFFICE EXHIBIT P4 TRUE COPY OF THE
PHOTGRAPHS SHOWING THE LIE AND LOCATION OF THE PROPERTY
EXHIBIT P5 TRUE COPY OF THE RELEVANT PAGE FROM THE DATA BANK
PUBLISHED FOR THE PARAKKADAVU VILLAGE RESPONDENT(S)' EXHIBITS
NIL ----- /TRUE COPY/ PA TO JUDGE VS
A.MUHAMED MUSTAQUE, J.

===== W.P(C).No.21821 of 2014 C
===== Dated this the 31st day of October, 2014

JUDGMENT

Petitioner claims to be the owner in possession of 89 cents of property in survey Nos.233/1 and 250/10 of Parakadavu Village, Aluva Taluk. Petitioner has approached this Court seeking a direction to the second respondent to consider the application for correcting details in the Basic Tax Register.

2. Learned Government Pleader on instruction submits that this property is included as nilam in the draft data bank.

3. Petitioner has a case that this property has been reclaimed long before the Act 28 of 2008 and it appears, the property is nilam.

4. Petitioner submits that the property was reclaimed long before the Act 28 of 2008. The remedy available to the petitioner is to approach the Local Level Monitoring Committee to correct the details of 89 cents of property in survey Nos.233/1 and 250/10 of Parakadavu Village. Local Level Monitoring Committee shall consider the application in the light of the decision in Castlerock Projects and Developers Pvt. Ltd. and Another v. Revenue Divisional Officer [2013 (3) KLT545 and find out whether as on W.P(C).No.21821 of 2014 C2the date of enactment of

Act 28 of 2008, this property can be treated as nilam. If it is found that this property cannot be treated as nilam, the Local Level Monitoring Committee shall correct the details in the draft data bank. Once the entry is corrected, it is open for the petitioner to approach the District Collector, Ernakulam under clause (6) of the Kerala Land Utilization Order for utilising the land for other purposes. Needful shall be done by the Local Level Monitoring Committee within a period of six weeks from the date of receipt of a copy of this judgment after affording an opportunity of being heard to the petitioner. Writ Petition is disposed of as above. Sd/-
A.MUHAMED MUSTAQUE, JUDGE. Sbna/01/11/14

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