

**Premkumar K.S. vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1310336](https://sooperkanoon.com/1310336)

**Court :** Kerala

**Decided On :** Feb-21-2024

**Judge :** Honourable Mr. Justice P.V.Kunhikrishnan

**Appeal No. :** WP(C)/6548/2024

**Appellant :** Premkumar K.S.

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN  
WEDNESDAY, THE 21ST DAY OF FEBRUARY 2024 / 2ND  
PHALGUNA, WP(C) NO. 6548 OF 2024 PETITIONER: PREMKUMAR  
K.S. AGED 59 YEARS S/O K.V.SREENIVASAN,  
MOONNUTHAIPARAMBIL HOUSE, KUMARAKOM P.O., KOTTAYAM,  
PIN - 686 563. BY ADV K.C.VINCENT RESPONDENTS: 1 STATE OF  
KERALA REPRESENTED BY SECRETARY DEPARTMENT OF  
REVENUE, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.  
2 THE REVENUE DIVISIONAL OFFICER OFFICE OF THE REVENUE  
DIVISIONAL OFFICER, PALA, KOTTAYAM, PIN - 686 575.

3 THE TAHSILDAR (LAND RECORDS) TALUK OFFICE, VAIKOM, KOTTAYAM, PIN - 686 141. 4 THE VILLAGE OFFICER VECHOOR VILLAGE, VECHOOR P.O., KOTTAYAM, PIN - 686 144. BY ADV. SMT DEVI SHRI R, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 6548 OF 2024 2

**P.V.KUNHIKRISHNAN, J.**

----- W.P (C) No. 6548 of 2024  
----- Dated this the 21st day of February,  
2024

## **JUDGMENT**

The writ petition is filed for the following prayers:-

a) Issue a declaration that the subject lands are eligible for re-assessment of land tax and for effecting appropriate entries in the revenue records showing its changed nature as dry land/purayidom. b) Issue a writ of mandamus or any other writ, direction or order directing the 3<sup>rd</sup> respondent, Tahsiladar (Land Records), to process Exhibit P3, the application in Form A, and to effect consequential entries in the revenue records showing the category of the subject lands as purayidom/dry land/ expeditiously as possible. c) Dispense the petitioner from producing the English translation of the vernacular documents produced along with the writ petition.

WP(C) NO. 6548 OF 2024 3 d) Issue such other writ, order or directing this Honble Court deems fit and proper to grant in the facts and circumstances of the case.

2. When this writ petition came up for

consideration, the learned Counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the 3<sup>rd</sup> respondent to consider Ext.P3 Form

A application. He further submits that there may be a direction to consider the dictum laid down by this Court in Mariummas case in 2015(2) KLT 516, Sealand Builders case in 2020 (5) KLT 56 and Fr. Jose Uppanis case in 2020(4) KLT 612.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. After hearing both sides, I think that prayer can be allowed. Hence, writ petition is disposed of WP(C) NO. 6548 OF 2024 4 with the following directions:-

(i) The 3rd respondent is directed

to consider Ext.P3 Form A application after verifying the genuineness and veracity of Ext.P2 proceedings, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

(ii) While deciding the matter,

the 3rd respondent will consider the applicability of the dictum laid down in Mariummas case in 2015(2) KLT 516, Sealand Builders case in 2020 (5) KLT 56 and Fr. Jose Uppanis case in 2020(4) KLT 612.

(ii) The petitioner will produce a WP(C) NO. 6548 OF 2024 5

### **certified copy of this judgment**

along with copy of this writ petition with Exhibits before the 3rd respondent for compliance. Sd/- P.V.KUNHIKRISHNAN JUDGE SRJ WP(C) NO. 6548 OF 2024 6 APPENDIX OF WP(C) 6548/2024 PETITIONERS EXHIBITS Exhibit P1 A TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 13913 OF 2021 DATED 01.04.2021. Exhibit P2 A TRUE COPY OF THE PROCEEDINGS NO.L2- BY THE 2ND RESPONDENT. Exhibit P3 A TRUE COPY OF THE APPLICATION IN FORM A DATED 02.11.2023 WITH COVERING LETTER AND RECEIPT DATED 10.11.2023.