

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 1137 of 2006 (I)

PETITIONER(S):

**ARUCHAMI, S/O.KARE KOUNDER,
ATTAPATHY, VATTAPARA, PUDUSSERY EAST VILLAGE
PALAKKAD TALUK.**

BY ADV. SRI.H.BADARUDDIN

RESPONDENT(S):

- 1. MICHAEL JOSEPH @ MANOHARAN,
S/O.SEBASTIAN @ CHINADURAI, RAMANDICHALLA
PARISHAKKAL.P.O, VADAKARAPATHY, CHITTUR TALUK
PALAKKAD DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, PALAKKAD.**
- 3. THE VILLAGE OFFICER,
PUDUSSERY EAST VILLAGE, PALAKKAD.**

**R1 BY ADV. SRI.K.P.BALAGOPAL
R2 & R3 BY SRI SOJAN JAMES, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JV

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF THE POSSESSION CERTIFICATE NO.772/05 OF THE VILLAGE OFFICE PUDUSSERY EAST DATED 11.11.2005
- P2 : COPY OF THE TAX RECEIPTS FOR MAKING PAYMENT OF THE BASIC TAX IN THE 3RD RESPONDENT VILLAGE DATED 11.11.05 AND 24.09.04
- P3 : COPY OF THE RECEIPT FROM THE 3RD RESPONDENT VILLAGE DATED 17.05.2003
- P4 : COPY OF THE RECEIPT DATED 21.12.2001 FOR MAKING PAYMENT OF THE BASIC TAX
- P5 : COPY OF THE POSSESSION CERTIFICATE FOR THE VERY SAME PROPERTY DATED 28.12.2001 ISSUED BY THE 3RD RESPONDENT VILLAGE OFFICER
- P6 : COPY OF THE TITLE DEED BEARING NO.5361/01 OF SUB REGISTRY PALAKKAD
- P7 : COPY OF THE PLAINT, FILED BY THE 1ST RESPONDENT AGAINST THE PETITIONER BEFORE THE CIVIL COURT OS NO.248/2004 M.C., PALAKKAD
- P8 : COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER BEFORE THE CIVIL COURT (OS 248/04 OF M.C., PALAKKAD DTD 09.04.2004)
- P9 : COPY OF THE ORDER OF MUNSIFF PALAKKAD IN IA 1057/04 AND 1201/04 IN OS 248/2004 DTD.07.04.04
- P10 : COPY OF THE ORDER OF THE DISTRICT COURT IN CMA 52/2004 DATED 19.07.2004 OF THE COURT OF DISTRICT JUDGE, PALAKKAD
- P11 : COPY OF THE JUDGMENT DATED 13.12.2005 IN WPC NO.34731/2005 BY THIS COURT
- P12 : COPY OF THE LETTER NO.213/05 DATED 20.12.2005 OF THE VILLAGE OFFICER, PUDUSSERY EAST.

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.1137 of 2006

Dated this the 22nd day of May, 2015

JUDGMENT

The petitioner has filed this writ petition seeking the following reliefs:

(i) to issue a writ of mandamus or any other appropriate writ order or direction directing the 2nd and 3rd respondent to receive the revenue taxes from the petitioner for Ext.P6 property in continuation of Ext.P1 to P6 unless and until the petitioner's rights in Ext.P7 property are directed by the final adjudication of the civil suit pending between the petitioner and the 1st respondent herein.

(ii) to issue a writ of certiorari or any other appropriate writ, order or direction granting the Ext.P12 letter as the same is vitiated by illegality."

2. Today, when the case was taken up for final hearing, the learned counsel for the petitioner reported no instructions. On the other hand, the learned counsel for the 1st respondent would submit that OS No.248/2004 filed by the said respondent before the Munsiff Court, Palakkad, seeking a declaration that document No.5361/2001 of SRO, Palakkad, executed by the petitioner herein in favour of one

Narendran alias Anandan is fraudulently created and involves no right of title or interest in respect of property in question and as such illegal, void and inaccurate, has already been decreed by the Munsiff's Court on 28.11.2008. The learned counsel would submit further that AS No.141/2009 filed before the District Court, Palakkad as well as RSA No.6/2012 filed before this Court were also ended in dismissal.

Recording the above submission made by the learned counsel for the 1st respondent, this writ petition is closed.

Sd/-
ANIL K. NARENDRAN,
JUDGE

JV