

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WA.No. 1751 of 2014 () IN WP(C).27263/2013

**AGAINST THE JUDGMENT IN WP(C) 27263/2013 of HIGH COURT OF KERALA
DATED 02-06-2014**

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APPELLANT(S)/PETITIONER:

**AYISHA BEEVI, AGED 71 YEARS
W/O.ABDUL HALEEM, PANACKAL BUNGALOW
ALAPPUZHA WEST MURI, ALAPPUZHA WEST VILLAGE
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA**

RESPONDENT(S)/RESPONDENTS:

- 1. THE VILLAGE OFFICER,
ALAPPUZHA WEST VILLAGE, ALAPPUZHA- 688 007.**
- 2. THE TAHSILDAR,
AMBALAPUZHA, ALAPPUZHA- 688 565.**
- 3. THE ASSISTANT DIRECTOR,
OFFICE OF THE ASSISTANT DIRECTOR,
SURVEY AND LAND RECORDS (RE-SURVEY), CHENGANNOOR
CHENGANNOOR P.O, ALAPPUZHA- 689 121.**
- 4. THE DPEUTY DIRECTOR OF SURVEY,
ALAPPUZHA- 688 001.**

BY SENIOR GOVT. PLEADER SRI.T. RAMAPRASAD UNNI

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OKB

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

Writ Appeal No.1751 of 2014

Dated this the 12th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the appellant and the learned Senior Government Pleader.

2. This appeal is directed against a common judgment insofar as it was delivered in relation to W.P.(C) No.27263 of 2013.

3. The appellant sought for a direction to accept land tax. That was the subject matter of W.P(C) No.18680 of 2013. In W.P(C) No.27263 of 2013, certain issues were raised on the plea that action was taken by the jurisdictional revenue officers substantially, affecting the rights and interest of the petitioner referable to the decree granted to her by the civil court in O.S. No.1228 of 1999, in which the Government was a defendant.

4. Having heard the learned counsel for the petitioner/appellant, we are of the view that the relief that has now been granted by the learned single Judge would suffice. The appropriate authority will hear the petitioner/appellant following the directions issued by the learned single Judge. However, we clarify that a decision will be taken following such

hearing, untrammelled by anything stated in the judgment of the learned single Judge. We may hasten to add that the legal effect of the findings in the decree and judgment in O.S. No.1228 of 1999 are also left open for independent consideration by the 4th respondent and also, if necessary, in subsequent proceedings, without any restriction as to its interpretation on the basis of the contents of paragraphs 6 and 7 of the judgment of the learned single Judge. The writ appeal is ordered accordingly, clarifying that the findings of the civil court will remain in tact and bind the parties.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K.HARILAL, JUDGE

okb.