

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 113 of 2015 (L)

PETITIONER :

**M/S.HOMETOK AGENCIES,
REPRESENTED BY ITS MANAGING PARTNER, T. G. SANTHOSH
AGED 45 YEARS, T D ROAD, ERNAKULAM, PIN-682035.**

**BY ADVS.SRI.P.CHANDRASEKHAR
SRI.S.PRASANTH
SRI.SOORAJ T.ELENJICKAL
SRI.P.A.MOHAMMED SHAH
SMT.UMA
SRI.B.PRASANTH
SRI.T.S.SARATH
SMT.P.M.MAZNA MANSOOR**

RESPONDENTS :

- 1. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR, ERNAKULAM.**
- 3. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, PARAVUR-683513.**
- 4. MOOTHAKUNNAM COIR VYAVASAYA CO-OPERATIVE SOCIETY LTD. NO.51
MUTHAKUNNAM, PARAVUR, PIN-683516.**
- 5. THE VILLAGE OFFICER,
MOOTHAKUNNAM, PARAVUR-683516.**

**R1 TO R3 & R5 BY GOVERNMENT PLEADER SRI. JOSEPH GERGE
R4 BY ADVS. SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE PARTNERSHIP DEED OF THE PETITIONER FIRM.
- EXT.P2 : TRUE COPY OF THE REGISTERED SALE DEED NO.8763/06 DT.5,12,2006 EXECUTED BY R2.
- EXT.P3 : TRUE COPY OF THE PUBLIC NOTICE OF THE R2 DT.26-1-06 APPEARED IN MATHRUBHUMI DAILY ON 28-1-2006.
- EXT.P4 : TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DT.23-2-12 ISSUED BY THE JUNIOR SUPERINTENDENT SUB REGISTRAR'S OFFICE, PARAVUR.
- EXT.P5 : TRUE COPY OF THE TAX RECEIPT DT.2-5-2006 ISSUED BY THE VILLAGE OFFICER, MOOTHAKUNNAM.
- EXT.P6 : TRUE COPY OF THE LETTER DT.2-5-2005 OF THE PROJECT OFFICER, COIR, NORTH PARAVUR ADDRESSED TO THE SECRETARY AND PRESIDENT OF R2.
- EXT.P7 : TRUE COPY OF THE APPLICATION DT.30-9-2013 SUBMITTED BY THE MANAGING PARTNER OF THE PETITIONER FIRM TO R1.
- EXT.P8 : TRUE COPY OF THE APPLICATION DT.3-2-14 OF THE MANAGING PARTNER OF THE PETITIONER FIRM TO R1.
- EXT.P9 : TRUE COPY OF THE PATTa DT.27-2-1968 ISSUED BY TAHSILDAR, PARAVUR TO R4.
- EXT.P10 : TRUE COPY OF THE JUDGMENT DT.3-6-14 IN WPC 5682/14.
- EXT.P11 : TRUE COPY OF THE ORDER NO.H4 18048/2013 DT.15-7-14 OF R3.
- EXT.P12 : TRUE COPY OF THE LETTER DT.26-8-14 OF R5 TO THE PETITIONER.
- EXT.P13 : TRUE COPY OF THE APPLICATION DT.4-11-14 TO THE STATE PUBLIC INFORMATION OFFICER, OFFICE OF THE DISTRICT COLLECTOR, ERNAKULAM.

RESPONDENT(S)' EXHIBITS :

- EXT.R4(A): COPY OF THE MINUTES OF THE GENERAL BODY MEETING OF THE R4 HELD ON 30/7/2004.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R.RAMACHANDRA MENON, J.
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W.P.(C) No.113 of 2015
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Dated this the 4th day of March, 2015

JUDGMENT

This is the second round of litigation that the petitioner is pursuing before this Court. Earlier, W.P.(C) No.5682 of 2014 was filed because of the laxity on the part of the concerned respondent in considering the application preferred to effect mutation. The said writ petition was disposed of as per Ext.P10 judgment dated 03.06.2014, whereby the Additional Thasildar was directed to consider and pass appropriate orders on the application within the time as stipulated therein. Pursuant to the above verdict, the rights and liberty of the petitioner were established before the 3rd respondent, who passed Ext.P11 order dated 15.07.2014, whereby the grievance of the petitioner was redressed and necessary orders were passed to cause the mutation to be effected in terms of the Kerala Transfer of Registry Rules, 1966. Even though the petitioner has brought it into the notice of the 5th respondent, no

consequent steps have been taken, by virtue of which the petitioner is not in a position to satisfy land tax in terms of the Karala Land Tax Act and this made the petitioner to approach this Court again, by filing this writ petition.

2. The learned counsel for the 4th respondent Society submits with reference to the contents of the counter affidavit already filed before this Court that, the petitioner purchased the property from the said Society and the title, possession and such other rights, which the Society was having on the property, have been fully conveyed to the petitioner herein.

3. Heard the learned Government Pleader as well.

4. In the above circumstances, there will be a direction to the 5th respondent to take further steps pursuant to Ext.P11 and to effect the mutation in the revenue records in favour of the petitioner and shall also accept the land tax in terms of the Kerala Land Tax Act as and when the same is rendered. The proceedings as above shall be finalised at the earliest, at any rate, within 'two weeks' from the receipt of a copy of this judgment.

Writ petition disposed of. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the concerned respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

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