

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 2100 of 2015 (J)

PETITIONER(S):

**SMT.ARAKKAL SUHARA, AGED 63,
W/O. LATE MUHAMMAD KUTTY, ARAKKAL HOUSE,
FORT COCHIN P.O., ERNAKULAM-682 001.**

**BY SRI.S.SREEKUMAR, SENIOR ADVOCATE
ADV. SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TALUK LAND BOARD,
COLLECTORATE, THRISSUR - 680 001,
REPRESENTED BY ITS CHAIRMAN & DEPUTY COLLECTOR(LA).**
- 3. THE DEPUTY COLLECTOR (CEILING RETURN),
COLLECTORATE, THRISSUR - 680 001.**
- 4. THE DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR-680001.**
- 5. THE DISTRICT COLLECTOR,
CIVIL STATION, ERNAKULAM - 682 030.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF NOTICE DTD.7.10.2011 ISSUED BY 3RD RESPONDENT TO THE PETITIONER.

EXT.P2 : TRUE COPY OF REPORT DTD.6.10.2012 OF THE ADDL.TAHSILDAR.

EXT.P3 : TRUE COPY OF CERTIFICATE DTD.30.9.2014 ISSUED BY THE SUB INSPECTOR OF FISHERIES, THRISSUR.

EXT.P4 : TRUE COPY OF PURCHASE CERTIFICATE NO.458/80 DTD.27.5.1980.

EXT.P5 : TRUE COPY OF REPRESENTATION DTD.19.7.2013 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P6 : TRUE COPY OF PROCEEDINGS DTD.3.10.2012 OF THE ADDITIONAL TAHSILDAR, MUKUNDAPURAM TO THE VILLAGE OFFICER, PUTHENCHIRA.

EXT.P7 : TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 5TH RESPONDENT TO FURNISH THE DETAILS OF THE INFORMATION UNDER RIGHT TO INFORMATION ACT.

EXT.P7(a) : TRUE COPY OF REMINDERS SEND FROM THE OFFICE OF THE 5TH RESPONDENT TO THE TAHSILDAR, N.PARUR.

EXT.P7(b) : TRUE COPY OF REMINDERS SEND FROM THE OFFICE OF THE 5TH RESPONDENT TO THE TAHSILDAR, ALUVA.

EXT.P7(c) : TRUE COPY OF REMINDERS SEND FROM THE OFFICE OF THE 5TH RESPONDENT TO THE TAHSILDAR, KOTHAMANGALAM.

EXT.P7(d) : TRUE COPY OF REMINDERS SEND FROM THE OFFICE OF THE 5TH RESPONDENT TO THE TAHSILDAR, KANAYANNUR.

EXT.P7(e) : TRUE COPY OF REMINDERS SEND FROM THE OFFICE OF THE 5TH RESPONDENT TO THE TAHSILDAR, KUNNATHUNADU.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2100 of 2015

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Dated, this the 30th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

(i) Issue a writ of mandamus or other writ order or direction compelling the 5th respondent to submit a report to 4th respondent about the details of the properties if any owned by the petitioner in Ernakulam district as sought for in Ext. P7 series within a time limit to be fixed by this Hon'ble Court.

(ii) Issue a writ of mandamus or other writ, order or direction compelling the respondents 2 to 4 to finalize the proceedings initiated as per Ext. P1 notice within a time limit after obtaining the report of 5th respondent.

(iii) Issue such other writ, order or direction as may be necessary in the interest of justice.

2. The sequence of events as narrated in the writ petition shows that the petitioner is the owner of the property having an extent of 29 acres and 40 cents of land comprised in Sy. Nos. 60/1, 60/2, 65/1 and 67/1 of Puthenchira village of Mukundapuram taluk.

The said property is mainly put to use for prawn cultivation for the last several decades and this being the position, it comes within the exempted category under Section 81 (1) (q) of the Kerala Land Reforms Act. It is stated that a portion of the said property has already been disposed of by the petitioner. But when the petitioner sought to effect mutation of the property, Ext. P1 notice was issued in the year 2011 by the 3rd respondent seeking to produce details of properties of the members of the family as well, to decide the question of excess land. It is stated that the concerned Tahasildar made enquiry and submitted report dated 06.10.2012, which is stated as in favour of the petitioner, whereby the exempted nature of the property concerned in Puthenchiera village has been certified. It was thereafter that the 4th respondent sought for particulars of properties from the Revenue Authorities in Ernakulam, requiring the 5th respondent to furnish the same. The petitioner has been given to understand that necessary instructions have already been issued by the 5th respondent to Tahasildars of various taluks, followed by remainders, as borne by Exts. P7(a) to P7(e). But, the proceedings have not been taken to a logical conclusion till date. Because of the delay involved, the

petitioner is not in a position to enjoy the property in a better manner, as the land tax is being accepted only on provisional basis. Hence the writ petition.

3. Heard the learned Government Pleader as well.

4. In the above circumstances, the respondents are directed to take immediate steps to procure the relevant information, if necessary, and to have the proceedings forming the subject matter of Ext. P1 finalized at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd