

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 2619 of 2015 (B)

PETITIONER(S):

**YAHIIYA,
SON OF IMBICHI AHAMMED, KADAVATH HOUSE,
CHALIYAM POST, KOZHIKODE, PIN -673 301.**

**BY ADVS.SRI.P.K.NIJOY,
SMT.C.PRABITHA.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
MALAPPURAM-676 505.**
- 3. THE SPECIAL TAHSILDAR,
TALUK OFFICE, TIRUR, MALAPPURAM DISTRICT-676 101.**
- 4. THE VILLAGE OFFICER,
CHELEMBRA VILLAGE OFFICE,
MALAPPURAM DISTRICT-676 101.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 2619 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1. COPY OF THE DEED NO.5553/2008 OF THENHIPPALAM SRO
DATED 01.10.2008.**

EXHIBIT P2. COPY OF THE REPORT DATED 02.11.2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2619 of 2015

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Dated, this the 10th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- i) Issue a Writ of Mandamus or such other writ, direction or order directing the 3rd respondent to dispose of S.M. No. 2020 of 2009 and issue patta to the petitioner after affording the petitioner an opportunity of being heard within a time frame to be fixed by this Honourable Court.
- ii) Issue such other writ, direction or order as is deemed just and proper in the facts and circumstance of the case.

2. The petitioner obtained property having an extent of 7.3 Ares of land comprised in Survey Nos. 219/10/1 and 219/10/2 of Chelembra village, Tirurangadi taluk by virtue of sale deed bearing No. 5553/08 dated 01.10.2008 of the Thenhippalam SRO. The grievance of the petitioner is that, though the petitioner approached the third respondent for issuance of patta, the same is still to be issued and that the proceedings are pending by way of S.M. No. 2020 of 2009. The learned counsel for the petitioner submits that concerned village officer/4th respondent has filed report recommending the case of the petitioner, as evident from Ext. P2, and that the only prayer now pressed before this Court is to cause the

proceedings pursuant to S.M. No 2020 of 2009 be finalized within a reasonable time.

3. The learned Government Pleader appearing for the respondent submits, on instructions, that the applications which are now being considered are of the year '2009' and that the application preferred by the petitioner will be caused to be considered at the earliest, at any rate, within four months.

4. In the above circumstances, the writ petition is disposed of, directing the 3rd respondent to finalize the proceedings forming the subject matter of S.M.No.2020/2009, on the basis of Ext.P2 report and such other relevant materials, passing appropriate orders in accordance with law, at the earliest, at any rate, within 'four months' from the date of receipt of a copy of this judgment.

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

The writ petition is disposed of.

Sd/-

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

kmd