

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 2683 of 2015 (I)

PETITIONERS :

- 1. ABDUL SALIM, AGED 63 YEARS,
S/O.MOHAMMADALI HAJI, MANAKADAVATH,
P.O. KOKKUR, MALAPPURAM 679 591.**
- 2. ABDUL KALAM, S/O. MOHAMMED ALI HAJI,
AGED 46 YEARS, MANAKADAVATH, P.O.
MANNAMMUKKU, MALAPPURAM 679 575.**
- 3. SALIM, AGED 49 YEARS, S/O.HASSAN,
MANAKKADAVATH, P.O MOOKKUTHALA,
MALAPPURAM - 679 574.**

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR, PALAKKAD - 678 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
OTTAPALAM 679 101.**
- 3. THE SUB REGISTRAR
OFFICE OF SUB REGISTRAR, AGALI
MANNARGHAT TALUK PALAKKAD 678 001.**
- 4. THE TAHSILDAR
MANNARGHAT TALUK PALAKKAD 678 001.**
- 5. THE VILLAGE OFFICER, AGALI VILLAGE,
MANNARGHAT TALUK, PALAKKAD 678 001.**

R1 TO R5 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: COPY OF THE DOCUMENT NO.547/11 DATED 5.4.11 OF SRO AGALI.
- EXHIBIT P2: COPY OF THE BASIC TAX RECEIPT DATED 4.6.14 ISSUED BY 5TH RESPONDENT.
- EXHIBIT P3: COPY OF THE POSSESSION CERTIFICATE NO.3884/12 DATED 5.7.12 BY 5TH RESPONDENT.
- EXHIBIT P3(A): COPY OF THE DOCUMENT NO.4961 DATED 27.12.14 OF SRO MANNARGHAT.
- EXHIBIT P4: COPY OF THE PATTAYAM (PURCHASE CERTIFICATE) DATED 8.7.1976 ISSUED BY LAND TRIBUNAL, AGALI.
- EXHIBIT P5: COPY OF THE DOCUMENT NO.5079/1986 DATED 12.11.86 OF SRO MANNARGHAT.
- EXHIBIT P6: COPY OF THE DOCUMENT NO.430/88 DATED 13.9.88 OF SRO MANNARGHAT.
- EXHIBIT P7: COPY OF THE RECEIPT NO.AKS/10900609/2014/5765 ISSUED BY THE AKSHAYA CENTRE DATED 26.12.14.
- EXHIBIT P8: COPIES OF THE RECEIPT NO.AKS/10900609/2014/5467 ISSUED BY THE AKSHAYA CENTRE DATED 5.12.14.
- EXHIBIT P9: COPY OF THE COMMUNICATION DATED 11.8.10 ISSUED BY LAND REVENUE COMMISSIONER.
- EXHIBIT P10: COPY OF THE COMMUNICATION ISSUED BY RDO DATED 19.4.14.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.2683 of 2015

Dated this the 12th day of February, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"1. Call for the records leading to Ext.P10 and issue writ in the nature of certiorari to quash the same to the extent it does not exclude properties having an area less than 2 Ha. as per the provisions of Kerala Restriction on Transfer and Restoration of Lands to Schedule Tribe Act 1999.

2. Writ in the nature of mandamus commanding the 3rd respondent not to insist for any verified certificate or such other permission relying on Ext.P10 for registering properties covered by Ext.P1.

3. Writ in the nature of mandamus commanding the 5th respondent to issue possession certificate and accept Basic Tax in respect of properties covered by Ext.P1.

4. Declare that the restrictions imposed by the 2nd respondent as per Ext.P10 do not apply in the case of the properties covered by Ext.P1.

5. Such other reliefs that the Hon'ble Court deem fit and proper in the facts and circumstances of the case."

2. Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents as well.

3. The learned Government Pleader submits on the basis of the instructions received from the 2nd respondent, that the

petitioners, as per the title deeds, are having only an extent of 2.07 Acres. It is further submitted that, a fact adjudication is necessary at the hands of the 2nd respondent so as to settle the grievance once and for all.

4. In the said circumstances, petitioners are set at liberty to approach the 2nd respondent by filing necessary proceedings within 'two weeks' from the date of receipt of a copy of this judgment, upon which, the same shall be considered and appropriate orders shall be passed, after conducting detailed enquiry, also with an opportunity of hearing to the petitioners. This shall be done at the earliest, at any rate, within 'two months' thereafter.

Petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

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

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