

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4268 of 2015 (G)

PETITIONER(S) :

- 1. FIROZ KHAN, AGED 35 YEARS,
S/O.MAJEED, FAROOQUIS MANZIL, THAVALAM (PO),
AGALI VOLLAGE, MANNARKKAD TALUK, MANNARKKAD-678 582.**
- 2. SAMJITH KHAN,
S/O.MAJEED, FAROOQUIS MANZIL, THAVALAM (PO),
AGALI VOLLAGE, MANNARKKAD TALUK, MANNARKKAD-678 582.**

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
PALAKKAD-678 001.**
- 2. THE SUB COLLECTOR/REVENUE DIVISIONAL OFFICER,
OTTAPALAM-679 101.**
- 3. THE SUB REGISTRAR,
OFFICE OF SUB REGISTRAR, AGALI,
MANNARGHAT TALUK, PALAKKAD-678 001.**
- 4. THE TAHSILDAR,
MANNARKKAD TALUK, MANNARKKAD-678 582.**
- 5. THE VILLAGE OFFICER,
PUDUR VILLAGE, MANNARKKAD TALUK, MANNARKKAD-678 581.**

BY SPL.GOVERNMENT PLEADER SMT.P.K.SANTHAMMA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE COPY OF THE DOCUMENT NO.1555/2011 OF SRO AGALI DATED 12.12.2011.**
- EXHIBIT P2: A TRUE COPY OF BASIC TAX RECEIPT ISSUED BY 5TH RESPONDENT DATED 26.05.2014.**
- EXHIBIT P3: A TRUE COPY OF POSSESSION CERTIFICATED ISSUED BY 5TH RESPONDENT DATED 26.05.2014.**
- EXHIBIT P4: A TRUE COPY OF THE COMMUNICATION DATED 19.05.2014 OF 2ND RESPONDENT.**
- EXHIBIT P5: A TRUE COPY OF THE PURCHASE CERTIFICATE ISSUED BY LAND TRIBUNAL PUDUR DATED 22.11.1974.**
- EXHIBIT P6: A TRUE COPY OF THE SALE DEED NO.1335/08 OF SRO AGALI DATED 13.10.2008.**
- EXHIBIT P7: A TRUE COPY OF THE COMMUNICATION DATED 11.08.2010 OF LAND REVENUE COMMISSIONER, OTTAPALAM.**
- EXHIBIT P8: A TRUE COPY OF THE REPRESENTATION DATED 07.01.2015 SUBMITTED BY THE PETITIONERS TO 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 4268 of 2015

Dated this the 11th day of February, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"1. Call for the records leading to Ext.P4 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 Land 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.P4 for registering properties covered by Ext.P1 document.

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 restriction imposed by the 2nd respondent as per Ext.P4 do not apply in the case of the properties covered by Ext.P1."

The learned counsel for the petitioners submits that, the grievance of the petitioners has also been projected by way of Ext.P8 representation and that the petitioners will be satisfied, if

a direction is given to the 2nd respondent to have it considered and finalized within a reasonable time.

2. Heard the learned Special Government Pleader as well.

3. After hearing both the sides, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P8 in accordance with law, after giving an opportunity of hearing to the petitioners and other interested parties, if any, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

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

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