

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 9245 of 2009 (A)

PETITIONER(S):

1. A.V.MINI, D/O.VASU, AMBATTUVAYALIL,
SHALYAMPARA.PO, KUNJITHANNI VILLAGE, DEVIKULAM TALUK
DIST.IDUKKI.
2. LEELAMMA.E.S, W/O.VASU,
MARUTHUMKALLANIKAL VEEDU, SHALYAMPARA.PO
KUNJITHANNI VILLAGE, DEVIKULAM TALUK, DIST.IDUKKI.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENT(S):

1. THE COMMISSIONER & SECRETARY TO GOVT.,
LAND REVENUE DEPARTMENT, PUBLIC OFFICE BUILDING
THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, IDUKKI DISTRICT,
PAINAVU, IDUKKI.
3. SUB COLLECTOR, DEVIKULAM, DIST.IDUKKI.
4. SHAJAN, S/O.VARGHESE, KALLARACKAL VEEDU,
AUDIT KARA, PALLIVASAL VILLAGE, DEVIKULAM TALUK
DIST.IDUKKI.
5. THE SUB REGISTRAR, DEVIKULAM SUB REGISTRY
DEVIKULAM, DIST.IDUKKI.
6. K.V.JOSE, S/O.VARGHESE, KALLARACKAL
VEETIL, AUDIT KARA, PALLIVASAL VILLAGE
DEVIKULAM TALUK, DIST.IDUKKI.

R6 BY ADV. SRI.C.K.VIDYASAGAR

R6 BY ADV. SRI.P.CHANDY JOSEPH

R1-R3 & R5 BY ADV. SOJAN JAMES, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1: COPY OF LAND TAX RECEIPT DATED 08.06.2006 UNDER T.P.NO.5281
- P2: COPY OF ASSIGNMENT CERTIFICATE VIDE LA 140/
- P3: COPY OF LAND TAX RECEIPT DATED 08.06.2006 UNDER T.P.5282
- P4: COPY OF ASSIGNMENT CERTIFICATE VIDE LA 141/99
- P5: COPY OF ASSIGNMENT CERTIFICATE LA 20/77D
- P6: COPY OF ORDER NO.A2-5415/03 DATED 27.01.2007
- P7: COPY OF ORDER NO.C2-6771/07/DATED 27.01.2007
- P8: COPY OF SALE DEED NO.3500/07 OF SRO, DEVIKULAM
- P9: COPY OF REVISION PETITION DATED 06.02.2008
- P10: COPY OF LETTER NO.J3-7349/08 DATED 04.07.2008
- P11: COPY OF PETITION DATED 14.03.2009

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.9245 of 2009

Dated this the 22nd day of May, 2015

JUDGMENT

According to the 1st petitioner, he is the pattadar in respect of 1.15 acres of land comprising in Survey No.19/1 in Kunjithanni Village covered by Ext.P2 patta under LA 140/99. According to the 2nd petitioner, he is the pattadar in respect of 1.20 acres of land comprising in Survey No.19/1 of the same Village covered by Ext.P4 patta under LA 141/99. The petitioners would contend that the 4th respondent is claiming ownership in respect of 2.21 acres of land at Audit Kara comprising in Survey No.19/1 in Vellathuval Village under Ext.P5 patta under LA 20/77, which is a bogus one. The 4th respondent lodged a complaint before the 3rd respondent to cancel Exts.P2 and P4 pattas issued to the petitioners alleging that the said pattas were issued for the very same property covered by Ext.P5. The 3rd respondent by Ext.P6 order cancelled Exts.P2 and P4 pattas issued to the petitioner.

2. The grievance of the petitioners in this writ petition is

that the 3rd respondent arbitrarily cancelled Exts.P2 and P4 pattas by Ext.P6 order. Though the said order was under challenge in an appeal filed before the 2nd respondent, the same ended in dismissal by Ext.P7 order. Now the matter is pending consideration in Ext.P9 revision petition filed before the 1st respondent. According to the petitioner, during the pendency of the appeal, the 4th respondent has transferred the property in question in favour of the 6th respondent vide Ext.P8 sale deed. In such circumstances, the petitioner has filed this writ petition with the following reliefs:

- (i) Issue a Writ of Mandamus commanding the 5th respondent not to register any deed of conveyance, transfer or any deed creating charge covering the properties vide Exhibit P8 sale deed following Exhibit P8 sale deed No.3500/07 of S.R.O. Devikulam executed by 4th respondent in favour of Jose K.V. the 6th respondent pending the final adjudication of the dispute between 4th respondent and the petitioners as per Exhibit P9 revision petition and thereafter in other statutory proceedings.
- (ii) Issue a Writ of Certiorari calling for the records of the case leading to Exhibit P8 sale deed and quash the same.

3. I have heard the arguments of the learned counsel for the petitioner and also the learned senior Government Pleader appearing for the official respondents.

4. Without going into the merits of the rival contentions made by both sides, this writ petition is disposed of with the following directions:

If Ext.P9 revision petition filed by the the petitioners under Rule 21(8) of the Kerala Land Assignment Rules, 1964 is still pending consideration, the 1st respondent shall consider and pass appropriate orders thereon, strictly in accordance with law, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner and also to respondents 4 and 6.

JV

**ANIL K. NARENDRAN,
JUDGE**