

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 5244 of 2015 (E)

PETITIONER(S):

**K.A.SREEDHARAN, AGED 69 YEARS
S/O. KUNNATH VALAPPIL ARAMUGHAN
KUNNATHUVALAPPIL HOUSE, ALIKKARA, CHALISSERY
NOW RESIDING NEAR EAST POLICE STATION, PATTALAM ROAD
THRISSUR - 680 001.**

BY ADV. SRI.P.K.MOHANAN (PALAKKAD)

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
PALAKKAD REVENUE DISTRICT, CIVIL STATION
PALAKKAD - 678 001.**
- 2. THE TAHSILDAR,
OTTAPALAM, TALUK OFFICE, OTTAPALAM
PALAKKAD, PIN - 679 101.**
- 3. THE TAHSILDAR,
PATTAMBI, PATTAMBI TALUK OFFICE, P.O. PATTAMBI
PALAKKAD DISTRICT, PIN - 679 303.**
- 4. THE ADDITIONAL TAHSILDAR,
PATTAMBI TALUK, PATTAMBI, PIN - 679 303.**
- 5. THE VILLAGE OFFICER,
CHALISSERY, PALAKKAD DISTRICT, PIN - 679 535.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** **A TRUE COPY OF THE REGISTRATION COPY OF THE REGISTERED
WILL DOCUMENT NO.57/1988 OF S.R.O., TRITHALA.**
- EXT.P2:** **A TRUE COPY OF THE DEATH CERTIFICATE OF PETITIONER'S FATHER
ARUMUGHAN, S/O. PANJAN DATED 04.04.1994 ISSUED BY THE
CHALISSERY PANCHAYATH.**
- EXT.P3:** **A TRUE COPY OF THE ORDER OF THE TAHSILDAR, OTTAPALAM,
DATED 30.11.2012.**
- EXT.P4:** **A TRUE COPY OF THE DECREE IN O.S.NO.51/2012 ON THE FILE OF
MUNSIFF-MAGISTRATE COURT, PATTAMBI.**
- EXT.P5:** **A TRUE COPY OF THE APPLICATION DATED 08.07.2014 SUBMITTED TO
TAHSILDAR, PATTAMBI BY THE PETITIONER.**
- EXT.P6:** **A TRUE COPY OF THE LETTER OF THE ADDITIONAL TAHSILDAR,
PATTAMBI DTD. 01.09.2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5244 of 2015

Dated this the 6th day of March, 2015

J U D G M E N T

The petitioner derived the title to the property having an extent of 40 cents in Sy. No.373/6 of Chalissery Amsom, Alikkara Desom, Chalissery Village, Palakkad District as per Ext.P1 Will bearing No.57/1988 of S.R.O, Thrithala, executed by the father of the petitioner. Ext.P2 is the 'Death Certificate' of Sri.Arumughan, ie; the father of the petitioner. Pursuant to the death of the father, the petitioner became the exclusive owner of the property and hence he wanted to effect mutation and also to satisfy the tax. It was accordingly that the Revenue Authorities were contacted, whereupon the petitioner was served with Ext.P3 order/notice dated 30.11.2012 pointing out that a Civil Suit was pending, challenging the genuineness of the 'Will' and as such the relief sought for by the petitioner could be acceded to only subject to finalisation of the civil suit. The case of the petitioner is that, the civil suit came to be finalised as per Ext.P4 decree dated 17.03.2014, whereby the suit has been dismissed and as such there cannot be any further objection for the Revenue Authorities. On contacting the concerned Revenue Authorities, the petitioner has now been informed as per Ext.P6 dated 01.09.2014 to the effect that

the 'Will' has to be probated, which made the petitioner to approach this Court.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the objections stated as raised by the Revenue authorities vide Exts.P3 & P6 are not tenable in the eye of law and hence this Court does not require any second round to hold that the petitioner is entitled to succeed. Exts.P3 & P6 are set aside. The petitioner shall produce Encumbrance Certificate before the 5th respondent. On production of the Encumbrance Certificate, the 5th respondent shall receive basic tax for the land owned and occupied by the petitioner. It shall be done at the earliest, at any rate, within one month from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 5th respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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