

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 6638 of 2015 (D)

PETITIONER(S):

**SALOMY ELDHO, AGED 61 YEARS
W/O.ELDHOS, MARACHERYPUTHAYATH HOUSE, ADIMALY P.O
MANNAMKANDOM VILLAGE, IDUKKI DISTRICT**

BY ADV. SRI.S.JIJI

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY, THE SECRETARY TO THE GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695 001**
- 2. THE DISTRICT COLELCTOR,
CIVIL STATION, PAINAVU, IDUKKI 685 603**
- 3. THE DY DIRECTOR OF SURVEY
CIVIL STATION, PAINAVU, IDUKKI 685 603**
- 4. THE THAHASILDAR(L.A)
TALUK OFFICE COMPLEX, DEVIKULAM, IDUKKI 685 613**
- 5. THE VILLAGE OFFICER
MANNAMKANDOM VILLAGE OFFICE
IDUKKI DISTRICT 685 561`**

BY ADV. SRI.K.C.VINCENT, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE SETTLEMENT DEED NO 2067/1996 OF S.R.O DEVIKULAM

EXHIBIT P2 TRUE COPY OF PATTA NO 13941/93 ISSUED AS PER L.A NO 246/1993

EXHIBIT P3 TRUE COPY OF THE TAX RECEIPT DATED 6-5-2011 OF MANNAMKANDOM VILLAGE OFFICE

EXHIBIT P4 TRUE COPY OF THE COMMUNICATION DATED 10-11-2011 OF 4TH RESPONDENT

EXHIBIT P5 TRUE COPY OF THE APPLICATION DATED 6-03-2012

EXHIBIT P6 TRUE COPY OF THE COMMUNICATION DATED 12-3-2012

EXHIBIT P7 TRUE COPY OF THE REPORT DATED 11-5-2012

EXHIBIT P8 TRUE COPY OF THE REPORT DATED 20-06-2012

EXHIBIT P9 TRUE COPY OF THE APPLICATION DATED 15-5-2013

EXHIBIT P10 TRUE COPY OF THE REPLY OF THE 4TH RESPONDENT DATED 11-11-2013

EXHIBIT P11 TRUE COPY OF THE LETTER DATED 19-3-2014

EXHIBIT P12 TRUE COPY OF THE SAID APPLICATION DATED 10-12-2014 BEFORE THE 1ST RESPONDENT.

EXHIBIT P13 TRUE COPY OF THE LETTER DATED 7-2-2015 OF THE 4TH RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.6638 OF 2015
.....

Dated this the 31st March, 2015

J U D G M E N T

The petitioner is the owner of the property having an extent of 26 cents of land in Sy.No. 853/3 of Mannamkandom Village, by virtue of Sale Deed No.2067/1996. She was remitting tax in respect of the said property till 2011-12. Thereafter, referring to some mistakes in survey number, the mutation was cancelled. The petitioner preferred Exts.P5, P9 and P12 applications before the revenue authorities for taking necessary steps for correction of survey number and also for remittance of land tax, which are still to be acted upon. Hence this writ petition.

2. The prayers are in the following terms:

`"i) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to correct the survey number mistakenly entered as 1193 in the previous records to its correct number of the petitioner's property comprised in Re.Sy.No.853/3 of the Mannamkandom Village with available records, within a time frame fixed by this Hon'ble Court.

ii) issue a writ of mandamus or any other appropriate writ, order or direction directing the 5th respondent to accept land tax for the petitioner's property comprised in Re.Sy.No.853/3 of Mannamkandom village

iii) issue a writ of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to pass necessary final orders on Ext.P12 application for correction of survey numbers in revenue records within a time frame fixed by this Hon'ble Court; and

iv) issue such other writ or direction which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case and in the interest of justice. "

3. A counter affidavit has been filed on behalf of the 4th respondent/Tahsildar. Paragraphs 5 and 6 are relevant and hence extracted below:

"5. An instruction vide letter No.G3-46329/I3/L.Dis dated 19.03.14 had been received from the District Collector, Idukki that the above matter is examined through the Deputy Director of Survey and it is found that the patta has been issued in the survey No.1193 and also as it is realised that it is incorrect, the mutation process can be

effected either after the issuance of a new patta after cancelling the old one or after correction of the survey number in the patta through legal steps.

6. The District Collector, Idukki had issued a circular No.C13-40110/08 dated 24.05.12 that after conducting adalath, rectification of the survey numbers in the patta can be done by the Tahsildars, Special Tahsildars in accordance with the applications received from parties. As per the above circular, a letter has been issued vide letter No. C4-6481/13 dated 20.03.15 from the office to the petitioner that he can approach the Special Tahsildar (LA) Devicolam with a fresh application to rectify the survey number in the patta issued in her name."

4. Heard the learned Government Pleader as well.

5. After hearing both the sides, the writ petition is disposed of directing the 4th respondent/Tahsildar (LA) to consider and finalise the proceedings, at the earliest, at any rate, within three months from the date of receipt of a copy of the judgment, after giving an opportunity of hearing to the petitioner

and other interested parties, if any. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the fourth respondent/Tahsildar for further steps.

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

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