

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).NO. 8103 OF 2015 (K)

PETITIONER(S):

**SUGUNA, D/O.KESAVAN, AGED 61 YEARS,
W/O.JAYAPRAKASH, KALATHITHARA,
PANAMBUKADU, MULAVUKADU VILLAGE,
KANAYANNOOR TALUK, PIN- 682 504.**

**BY ADVS.SRI.SUNNY XAVIER,
SMT.C.P.PRETTY.**

RESPONDENT(S):

- 1. THE LAND TRIBUNAL,
SPECIAL TAHSILDAR (LR), ERNAKULAM,
LAND REFORMS, TRIPUNITHURA P.O., PIN- 682 301.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF APPLICATION/PETITION TO ISSUE A CERTIFIED COPIES.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.8103 of 2015

Dated this the 13th day of March, 2015

JUDGMENT

The petitioner is an applicant for getting a certified copy of the purchase certificate No.281/1981 of the Land Tribunal, Special Tahsildar (L.R), Ernakulam and that of the order in O.A.No.385/1985. The petitioner is intending to challenge the purchase certificate No.281/1981 and the order in O.A.No.385/1981 of the Spl. Tahasildar (N.R) Land Tribunal, Ernakulam, issued in favour of Kalathiparambil Pizhgan Padnabhan, as the same was obtained allegedly by practicing fraud or illegality.

2. The petitioner and her brother, since February 2015, are knocking at the doors of the first respondent for issuing certified copies. However, since the first respondent is demanding documents like Title Deed, Encumbrance Certificate, Land Tax Receipt, Possession Certificate etc., which are not in the possession of the petitioner, the same could not be obtained. The

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petitioner has obtained a copy of the purchase certificate under the Right to Information Act. Since the officers of the first respondent are unwilling to accept the application of the petitioner, stating evasive reasons, the petitioner engaged a lawyer before the Land Tribunal, to file necessary application. The application submitted by the petitioner's counsel along with Notarized affidavit stands accepted and the same is numbered as application No.516/2015. Now the 1st respondent has demanded legal heir ship certificate of the petitioner's late grand father, who, according to the petitioner, was the original Kudikidappukaran. The petitioner has already submitted Ext.P1 notarized affidavit stating all the requisite details and she is aggrieved by the demand to produce documents one after the another as a precondition for issuance of certified copies. The petitioner being deprived of the right to prefer appeal, due to the unreasonable demands of the first respondent and his subordinate officers, has approached this Court with the following prayers:

- i. To direct the respondents to issue certified copies of the documents mentioned in Ext.P1 application*

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without insisting for the legal heir ship certificate

- ii. *Issue a writ of mandamus or any appropriate writ or direction to the 1st respondent to dispose of Ext.P1 application without insisting for legal heir ship certificate.*

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the issue on merits, with regard to the flow of title.

5. After hearing both the sides, the writ petition is disposed of, directing the first respondent to issue certified copies of the documents mentioned in Ext.P1 application without insisting for the legal heir ship certificate, as expeditiously as possible, at the earliest, at any rate, within 'two weeks' from the date of production of a copy of this judgment.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

Sd/-

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

rkc.