

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 8105 of 2015 (K)

PETITIONER(S):

1. **ABDUL BASHEER, AGED 42,
S/O.IBRAHIM HAJI, MURINGAMPURAYIL HOUSE,
TACHAMPOYIL P.O, VIA THAMARASSERY,
CALICUT DISTRICT.**
2. **REJEENA ABDUL BASHEER,
W/O.ABDUL BASHEER, TACHAMPOYIL P.O,
VIA THAMARASSERY, CALICUT DISTRICT.**

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S):

1. **STATE OF KERALA, REPRESENTED
BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, TRIVANDRUM - 695 001.**
2. **DISTRICT COLLECTOR,
KOZHIKODE - 673 001.**
3. **TAHSILDAR, THAMARASSERY TALUK,
CALICUT DISTRICT - 673 573.**
4. **VILLAGE OFFICER,
UNNIKULAM VILLAGE, CALICUT DISTRICT - 67 574.**
5. **VILLAGE OFFICER, KINALUR VILLAGE,
CALICUT DISTRICT - 673 612.**
6. **LAND REVENUE COMMISSIONER,
TRIVANDRUM - 695 001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE TITLE DEED DOCUMENT NO.4491/2-13 OF S.R.O BALUSSERY.
- EXHIBIT P2. TRUE COPY OF TITLE DEED NO.4931/2013 OF S.R.O BALUSSERY.
- EXHIBIT P3. TRUE COPY OF TITLE DEED IN FAVOUR OF THE SECOND PETITIONER NO.3020/13 OF S.R.O BALUSSERY.
- EXHIBIT P4. TRUE COPY OF DOCUMENTS NO.4528/13 BALUSSERY.
- EXHIBIT P5. TRUE COPY OF DOCUMENT NO.2812/13 OF S.R.O BALUSSERY.
- EXHIBIT P6. TRUE COPY OF THE RECEIPT OF LAND TAX PAID FOR THE YEAR 2013-14 BY THE 1ST PETITIONER FOR THE PROPERTY SITUATED IN UNNIKULAM VILLAGE.
- EXHIBIT P7. TRUE COPY OF LAND TAX PAID FOR THE YEAR 2013/2014.
- EXHIBIT P8. TRUE COPY OF RECEIPT OF LAND TAX PAID FOR THE YEAR 2013-14.
- EXHIBIT P9. TRUE COPIES OF THE RECEIPTS OF TAX PAID BY THE SECOND PETITIONER.
- EXHIBIT P10. COPY OF THE RECEIPTS OF TAX PAID BY THE SECOND PETITIONER.
- EXHIBIT P11. COPIES OF RECEIPT OF LAND TAX FOR THE YEAR 2014-15.
- EXHIBIT P12. TRUE COPY OF LAND TAX FOR THE YEAR 2014-15.
- EXHIBIT P13. TRUE COPY OF THE ORDER OF THE TALUK LAND BOARD KOYILANDI.
- EXHIBIT P14. TRUE COPY OF THE COMMUNICATION ISSUED BY THE LAND REVENUE COMMISSIONER DATED 1.3.2012.
- EXHIBIT P15. TRUE COPY OF THE COMMUNICATION DATED 9.10.2014.
- EXHIBIT P16. TRUE COPY OF THE COMMUNICATION DATED 16.9.2014.
- EXHIBIT P17. TRUE COPY OF THE COMMUNICATION DATED 19.11.2014.
- EXHIBIT P18. TRUE COPY OF THE COMMUNICATION OBTAINED THROUGH RIGHT TO INFORMATION ACT ISSUED BY THE DEPUTY COLLECTOR (LR).
- EXHIBIT P19. TRUE COPY OF THE JUDGMENT IN WPC 34777/2011.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8105 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i. To issue a writ of certiorari or any other appropriate writ, order or direction to quash Ext.P14 and P15 orders issued by the respondents 6 and 2 respectively.

ii. To issue a Writ of Mandamus or any other appropriate writ, order or direction directing the respondents 1 to 5 to accept land tax from the petitioners based on their title deeds evidenced by Ext.P1 to P5.

iii. To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 4 and 5 to issue possession certificate in favour of the petitioners for their properties.

iv. to grant such other and further reliefs to the petitioners as the Hon'ble Court may consider just and proper in the facts and circumstances of the case."

The learned counsel for the petitioner places reliance on Ext.P19 judgment and seeks to extend similar benefit to the petitioners as well. Reliance is also sought to be placed on the decision rendered by this Court in **Devassia v. Sub Registrar** (2015 (1) KLT 825).

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the petitioners are also entitled to have similar reliefs. The operative portion of the Ext.P19 judgment reads as follows:

“14. In view of the above, these writ petitions are disposed with the following directions”

i. There shall be a direction to the Revenue Officials to effect mutation in respect of the properties obtained by the purchasers based on valid title.

ii. If any of the properties are found to be converted before or after the purchase, the Revenue Officials are free to bring it to the notice of the Taluk Land Board or the appropriate Authorities to include the property in the account of the holder of land at the time of exemption for the purpose of ceiling.

iii. The registering authority shall not insist for no-objection certificate for the reason that the land is exempted land for the purpose of registration.

iv. The transfer of exempted land as a whole or in part can be acted upon for the purpose of registration or effecting mutation.

v. In the light of the directions above, the Registering Authority and Revenue Officials are directed to do the needful in these matters to register the document and effect mutation within a period of four weeks from date of receipt of a copy of this judgment. No costs.”

The writ petition is disposed of in similar lines granting similar benefit to the petitioners herein as well. 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.**

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