

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 8831 of 2015 (D)

PETITIONER

ABDUL MAJEED AGED 43 YEARS
S/O AYAMMED, ILAPOYIL HOUSE, P.O. UNNIKULAM-673574.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, TRIVANDRUM-695001.
2. DISTRICT COLLECTOR
KOZHIKODE-673001.
3. TAHSILDAR
THAMARASSERY TALUK, CALICUT DISTRICT-673573.
4. VILLAGE OFFICER
KANTHALAD VILLAGE, CALICUT DISTRICT-673573.
5. VILLAGE OFFICER
KINALUR VILLAGE, CALICUT DISTRICT-673573.
6. LAND REVENUE COMMISSIONER
TRIVANDRUM-695020.

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8831 of 2015 (D)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE TITLE DEED DOCUMENT NO.3198/13 OF S.R.O.,
BALUSSERY.

EXHIBIT P2: TRUE COPY OF THE TITLE DEED NO.2792/2013 OF S.R.O., BALUSSERY.

EXHIBIT P3: TRUE COPY OF ORDER OF THE TALUK LAND BOARD KOYILANDI, DATED
20.6.2013.

EXHIBIT P4: TRUE COPY OF COMMUNICATION ISSUED BY THE LAND REVENUE
COMMISSIONER DATED 1.3.2012.

EXHIBIT P5: TRUE COPY OF COMMUNICATION OF DISTRICT COLLECTOR DATED
9.10.2014.

EXHIBIT P6: TRUE COPY OF THE COMMUNICATION OF CHAIRMAN, TALUK LAND
BOARD, DATED 16.9.2014.

EXHIBIT P7: TRUE COPY OF COMMUNICATION OF DY. COLLECTOR KOZHIKODE,
DATED 19.11.2014.

EXHIBIT P8: TRUE COPY OF COMMUNICATION OBTAINED THROUGH RIGHT TO
INFORMATION ACT, ISSUED BY THE DEPUTY COLLECTOR (L.R.).

EXHIBIT P9: TRUE COPIES OF THE JUDGMENT IN WPC NO.34777/2011.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8831 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“i) to issue a Writ of Certiorari or any other appropriate writ, order or direction to quash Exhibit P4 and P5 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 effect mutation and accept land tax from the petitioners based on their title deeds evidenced by Exhibit P-1 and P2.

iii) to issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the respondents 4 and 5 to issue possession certificates in favour of the petitioner for his properties.”

The learned counsel for the petitioner places reliance on Ext.P9 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

petitioner is 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 petitioner herein as well. The petitioner

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.**

sj/-