

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).NO. 9435 OF 2015 (D)

PETITIONER(S):

- 1. RAJEEV, S/O.KURIAKOSE, AGED 37 YEARS,
KUNNATHUPARAMBIL, KOTHAMANGALAM P.O.,
THRIKKARIYOOR VILLAGE, KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT.**
- 2. JASEENA, W/O.RAJEEV, AGED 34 YEARS,
KUNNATHUPARAMBIL, KOTHAMANGALAM P.O.,
THRIKKARIYOOR VILLAGE, KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
KOTHAMANGALAM VILLAGE,
ERNAKULAM DISTRICT- 686 691.**
- 2. THE TAHSILDAR,
KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT- 686 691.**
- 3. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, ERNAKULAM DISTRICT- 686 691.**

BY SR. GOVT.PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: TRUE COPY OF THE SALE DEED DATED 04.06.2014 REGISTERED AS DOCUMENT NO. 2779 OF 2014 OF KOTHAMANGALAM SUB REGISTRAR OFFICE.
- P2: TRUE COPY OF THE STOP MEMO DATED 12.09.2014 ISSUED BY THE FIRST RESPONDENT TO THE PREVIOUS OWNER OF PROPERTY.
- P3: TRUE COPY OF THE TAX RECEIPT DATED 16.04.2014 ISSUED BY THE FIRST RESPONDENT TO PREVIOUS LAND OWNER MR. JOHNY SEEMAN
- P4: TRUE COPY OF AGREEMENT DATED 02.06.2014 EXECUTED BY THE PREVIOUS OWNER MR. JOHNY SEEMAN AND ADJACENT LAND OWNER MR. NOUSHAD.
- P5: TRUE COPY OF THE AGREEMENT DATED 10.06.2014 EXECUTED BY THE PREVIOUS OWNER MR. JOHNY SEEMAN ALONG WITH THE LOCAL PEOPLE IN THE PRESENCE OF WARD COUNCILOR SMT.BHANUMATHI TEACHER IN HER LETTER PAD.
- P6: TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECRETARY, KOTHAMANGALAM MUNICIPAL COUNCIL DATED 05.07.2014 CERTIFYING THAT THE PREVIOUS OWNER OF THE PETITIONER RELINQUISH THE RIGHT OVER THE PROPERTY ASSIGNED FOR THE DEVELOPMENT OF LAND.
- P7: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 16.12.2014 IN WP(C).NO. 31956/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9435 of 2015

Dated this the 25th day of March, 2015

J U D G M E N T

The petitioners have purchased the property having an extent of 2.05 Ares situated in Survey No.1200/1 of Kothamangalam Taluk by virtue of Ext.P1 sale deed. The petitioners have approached the revenue officials to effect mutation and accept basic tax. The Revenue authorities were refused to accept the tax. Accordingly, the petitioners have approached this Court by filing this writ petition.

2. It is admitted by the petitioners that on account of 'stop memo' issued by the Village Officer against the previous owner for reclamation of the portion of the land alleging violation of Act 28 of 2008, the Village Officer refused to effect mutation and to accept basic tax. The right of any person in respect of the property will not be lost on account of any reclamation on the land in contravention of Act 28 of 2008. If any person has contravened the provision of Act 28 of 2008, the authorities have necessary power under the act to proceed against the property in

accordance with law. However, that will not affect the proprietary right of a person over the property.

3. In view of the above, there shall be a direction to effect mutation and accept basic tax in respect of the property based on Ext.P1 within a period of 'two weeks'.

The writ petition is disposed of as above.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn