

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. 9469 of 2015 (G)

PETITIONER :

**V.MAMMU,
S/O.V. AHAMMED KUTTY, AGED 58 YEARS,
EXCEL COTTAGE, KODAMPUZHA ROAD, PETTA,
FEROKE, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 2. THE DISTRICT COLLECTOR, CIVIL STATION,
KOZHIKODE,PIN-673 020**
- 3. THE REVENUE DIVISIONAL OFFICER, CIVIL STATION,
KOZHIKODE,PIN-73 020**
- 4. THE TAHSILDAR, TALUK OFFICE, CIVIL STATION,
KOZHIKODE,PIN-673 020**
- 5. THE VILLAGE OFFICER, RAMANATTUKARA VILLAGE,
RAMANATTUKARA, KOZHIKODE,PIN-673 633.**
- 6. THE SUB REGISTRAR, SUB REGISTRY, FEROKE,
KOZHIKODE DISTRICT,PIN-673 631**
- 7. THE LAND REVENUE COMMISSIONER,
LAND REVENUE COMMISSIONERATE, PUBLIC OFFICES,
MUSEUM, THIRUVANANTHAPURAM-695 033**

BY SR GOVERNMENT 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:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE DEED NO. 1050/85 DATED 26/09/85 OF SUB REGISTRAR'S OFFICE, FEROKE.
- EXT.P2: TRUE COPIES OF THE NOTICES BEARING NOS. G5.7865/07(1), 7865/07 (2) AND 7865/07(3) ISSUED BY THE 4TH RESPONDENT.
- EXT.P3: TRUE COPY OF THE EXPLANATION DATED 22/05/2007 SUBMITTED BY THE PETITIONER'S BROTHERS BEFORE THE 4TH RESPONDENT.
- EXT.P4: TRUE COPY OF THE NOTICE DATED 02/06/2007 BEARING NO. G5.7865/07 ISSUED BY THE 4TH RESPONDENT.
- EXT.P5: TRUE COPY OF THE LIST OF DOCUMENTS FURNISHED IN RESPONSE TO EXT.P4.
- EXT.P6: TRUE COPY OF THE SUBMISSIONS MADE BY THE PETITIONER ALONG WITH HIS BROTHERS BEFORE THE 4TH RESPONDENT AGAINST THE PROPOSAL MADE IN EXTS.P2 AND P4.
- EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 12/07/2007 FILED BY THE PETITIONER ALONG WITH HIS BORTHERS BEFORE THE RESPONDENTS 1 TO 3.
- EXT.P8: TRUE COPY OF THE JUDGMENT DATED 07/12/2007 IN WPC NO. 18808/2007 OF THIS HON'BLE COURT.
- EXT.P8(A): TRUE COPY OF THE ORDER BEARING NO. G5.9566/07 (43) DATED 16/02/2008 ISSUD BY THE 4TH RESPONDENT.
- EXT.P9: TRUE COPY OF THE APPEAL DATED 03/03/2008 FILED BY THE PETITIONER ALONG WITH HIS BROTHERS BEFORE THE 3RD RESPONDENT.
- EXT.P10: TRUE COPY OF THE JUDGMENT DATED 24/03/2008 IN WPC NO. 9697/2008 OF THIS HON'BLE COURT.
- EXT.P11: TRUE COPY OF THE AFFIDAVIT DATED 21/06/2010 EXCEPT WITH THE DOCUMENTS,SUBMITTED BY THE PETITIONER ALONG WITH HIS BROTHERS BEFORE THE 3RD RESPONDENT (WITHOUT ANNEXURES).
- EXT.P12: TRUE COPY OF THE ORDER DATED 04/07/2013, BEARING REFERENCE NO. J.1940/08 ISSUED BY THE 3RD RESPONDENT.
- EXT.P13: TRUE COPY OF THE APPEAL DATED 12/08/2013, FILED BY THE PETITIONER ALONG WITH HIS BROTHERS BEFORE THE 2ND RESPONDENT.

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EXT.P14: TRUE COPY OF THE RECEIPT NO. 39173/13 DATED 12/08/2013 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT.

EXT.P14(A): TRUE COPY OF THE JUDGMENT DATED 26/08/2013 IN WPC NO.21120/2011 OF THIS HON'BLE COURT.

EXT.P15: TRUE COPY OF THE ORDER DATED 16/02/2015 ISSUED BY THE 2ND RESPONDENT.

EXT.P16: TRUE COPY OF THE APPEAL DATED 09/03/2015 SUBMITTED BY THE PETITIONER AND HIS BROTHERS BEFORE THE LAST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9469 of 2015

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. issue a writ of certiorari or any other appropriate writ, order or direction quashing Exts.P8(a), P12 and P15 orders;

ii. issue a writ of mandamus or any other appropriate writ, order or direction commanding the last respondent to consider and dispose of Ext.P16 appeal, forthwith, after affording an opportunity of being heard to the petitioner and on conducting the site inspection/visit;

iii. issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to collect land tax for the 19 cents of property detailed in Exts.P1, P8(a), P12 and P15, from the petitioner and his brothers, forthwith;

iv. issue such other writ, order or direction which may deem fit in the facts and circumstances of the case."

2. The learned counsel for the petitioner points out that, being aggrieved of Ext.P15 order dated 16.02.2015 passed by the 2nd respondent, the petitioner has already moved the 7th respondent by submitting Ext.P16 appeal. Prayer is to cause the

same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 7th respondent to consider and finalise Ext.P16 appeal, after giving an opportunity of hearing to the petitioner and other interested parties, if any, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

'Status quo' shall be maintained till such time.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 7th respondent, for further steps.

Sd/-

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

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