

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 9679 of 2015 (H)

PETITIONER(S):

1. DIVAKARAN,
S/O. KRISHNAN NAIR, NHARAKKATTIL HOUSE, MYLAMBADY P.O.
MEENANGADI - 673 591, SULTHAN BATHERI TALUK.
2. KABEER,
S/O. MUHAMMED, VAYAMBALATH HOUSE
MAYANAD P.O - 673 008, CHELAVOOR VILLAGE
KOZHIKODE TALUK.
3. VARKEY,
S/O. KORA, MULLASSERIL HOUSE, KUMBALERI P.O - 673 591
KRISHNAGIRI AMSOM, CHEENGERI DESOM
SULTHAN BATHERY TALUK.
4. BALAN V,
S/O. KUNHIRAMAN NAIR, VALIYAVATTAM HOUSE
NENMENI P.O - 673 592, NENMENI AMSOM DESOM
SULTHAN BATHERI TALUK.
5. SHEEBA REJI,
W/O. REJI, MADATHIL HOUSE, MEENANGADI P.O - 673 591
SULTHAN BATHERY TALUK.
6. REJI,
S/O. KURIAKOSE, THEKKEVARAPPOTHUKUZH
MEENANGADI P.O - 673 592, PRAKKADI AMSOM DESOM
SULTHAN BATHERY TALUK.
7. FR.REJI PAUL
S/O. POULOSE, CHAVARPPANAL HOUSE
VAZHAVATTA P.O - 673 122, MANDAD, MUTTIL AMSOM DESOM
VYTHIRI TALUK.
8. SINI
W/O. FR. REJI PAUL, CHAVARPPANAL HOUSE
VAZHAVATTA P.O - 673 122, MANDAD, MUTTIL AMSOM DESOM
VYTHIRI TALUK.

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9. ALEX MATHEW,
S/O. MATHEW, EANGAPPALLIL HOUSE
NARIKKUNDU P.O - 673 593, AMBALAVAYAL AMSOM DESOM
SULTHAN BATHERY TALUK.
10. BIJI,
D/O. GANGADHARAN, USHAS HOUSE,
MEENANGADI P.O - 673 592, PRAKKADI AMSOM DESOM
SULTHAN BATHERY TALUK.
11. VINOD,
S/O. VELAYUDHAN, PUTHIYOTTIL HOUSE
KALLURUTTY P.O - 673 603, NEELESWARAM VILLAGE
KOZHIKODE TALUK.
12. ANIL,
S/O. UNNIKRIISHNAN NAIR, PARATHANANTHU HOUSE
KAKKAVAYAL P.O - 673 122, MUTTIL SOUTH AMSOM DESOM
VYTHIRI TALUK.
13. A.J.KURIAKOSE,
S/O. ITTOOPPU, AADUKALIL HOUSE, KARACHAL P.O - 673 591
KOLIMOOOLAKUNNU, AMBALAVAYAL AMSOM DESOM
SULTHAN BATHERY TALUK.
14. M.GANGADHARAN
S/O. GOPALAN, USHAS HOUSE, MEENANGADI P.O - 673 591
PURAKKADI AMSOM DESOM, SULTHAN BATHERY TALUK.
15. ABRAHAM P.I,
S/O. ISAC, PAREKKATTIL HOUSE, KUMBALERI P.O - 673 591
AMBALAVAYAL AMSOM DESOM, SULTHAN BATHERY TALUK.
16. REENA K.K,
W/O. SURESH KUMAR, NHAREKKATTIL HOUSE, MYLAMBADI P.O.
MEENANGADI, PURAKKADI AMSOM DESOM
SULTHAN BATHERI TALUK.
17. SURESH KUMAR, S/O. BHASKARAN,
NHAREKATTIL HOUSE, MYLAMBADI P.O., MEENANGADI
PURAKKADI AMSOM DESOM, SULTHAN BATHERY TALUK.
18. AJI T. ABRAHAM,
S/O. ABRAHAM, THANDEKKATTU HOUSE
KUMBALERI P.O - 673 591, KRISHNAGIRI AMSOM
CHEENGERI DESOM, SULTHAN BATHERY TALUK.
19. CHERIYAN DANIEL
S/O. DANIYEL, MALAVILAPADITTETHIL HOUSE
VETTIYAAR P.O - 690 557, VETTIYAR VILLAGE
MAVELIKKARA TALUK.

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20. SAJI T.V
S/O. VARGHESE, THAZHATHEKUDI HOUSE
MYLAMBADI P.O - 673 591, MEENANGADI
PURAKKADI AMSOM DESOM, SULTHAN BATHERY TALUK.
21. KALYANA SUNDARI THOMAS,
W/O. CHACKO THOMAS
REMYA JEEVAN CO-OPERATIVE HOUSING SOCIETY NO.13
ANDHERI EAST P.O., MAHAKALI CAVES ROAD
ANDHERI EAST VILLAGE, MUMBAI - 400 093.
22. ROY
S/O. PATHROSE, MUNDAKKAL HOUSE
KRISHNAGIRI P.O. - 673 591, MEENANAGADI
KRISHNAGIRI AMSOM, CHEENGERI DESOM
SULTHAN BATHERY TALUK.

BY ADVS.DR.GEORGE ABRAHAM
SRI.LINDONS C.DAVIS

RESPONDENT(S):

1. THE VILLAGE OFFICER, PURAKKADI
VILLAGE - 673 121.
2. THE TAHSILDAR
SULTHAN BATHERY TALUK, WAYANAD DISTRICT - 673 592.
3. THE DISTRICT COLLECTOR
WAYANAD - 673 121
4. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
5. THE LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM - 695 001.

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE TITLE DEED DT. 16.1.10 OF THE 1ST PETITIONER.
- P2 - TRUE COPY OF THE LAND TAX RECEIPT DT. 04.9.12 ISSUED IN FAVOUR OF THE 1ST PETITIONER.
- P3 - TRUE COPY OF THE TITLE DEED DT. 17.9.10 OF THE 2ND PETITIONER.
- P4 - TRUE COPY OF THE LAND TAX RECEIPT DT. 12.6.13 ISSUED IN FAVOUR OF THE 2ND PETITIONER.
- P5 - TRUE COPY OF THE TITLE DEED DT. 30.4.10 OF THE 3RD PETITIONER.
- P6 - TRUE COPY OF THE LAND TAX RECEIPT DT. 17.10.12 ISSUED IN FAVOUR OF THE 3RD PETITIONER.
- P7 - TRUE COPY OF THE TITLE DEED DT. 19.6.09 OF THE 4TH PETITIONER.
- P8 - TRUE COPY OF THE LAND TAX RECEIPT DT. 16.7.11 ISSUED IN FAVOUR OF THE 4TH PETITIONER.
- P9 - TRUE COPY OF THE TITLE DEED DT. 17.9.10 OF THE 5TH PETITIONER.
- P10 - TRUE COPY OF THE LAND TAX RECEIPT DT. 25.9.14 ISSUED IN FAVOUR OF THE 5TH PETITIONER.
- P11 - TRUE COPY OF THE TITLE DEED DT. 01.10.09 OF THE 6TH PETITIONER.
- P12 - TRUE COPY OF THE TITLE DEED DT. 12.9.09 OF THE 6TH PETITIONER.
- P13 - TRUE COPY OF THE LAND RECEIPT DT. 19.10.13 ISSUED IN FAVOUR OF THE 6TH PETITIONER.
- P14 - TRUE COPY OF THE TITLE DEED DT. 28.3.11 ISSUED IN FAVOUR OF THE 7TH & 8TH PETITIONERS.
- P15 - TRUE COPY OF THE LAND TAX RECEIPT DT. 11.12.14 ISSUED IN FAVOUR OF THE 7TH & 8TH.
- P16 - TRUE COPY OF THE TITLE DEED DT. 20.10.09 OF THE 9TH PETITIONER.
- P17 - TRUE COPY OF THE LAND TAX RECEIPT DT. 16.8.14 ISSUED IN FAVOUR OF THE 9TH PETITIONER.
- P18 - TRUE COPY OF THE TITLE DEED DT. 29.10.11 OF THE 10TH PETITIONER.
- P19 - TRUE COPY OF THE LAND TAX RECEIPT DT. 26.7.12 ISSUED IN FAVOUR OF THE 10 TH PETITIONER.

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- P20 - TRUE COPY OF THE TITLE DEED DT. 20.10.09 OF THE 11TH PETITIONER.**
- P21 - TRUE COPY OF THE LAND TAX RECEIPT DT. 16.5.14 ISSUED IN FAVOUR OF THE 11TH PETITIONER.**
- P22 - TRUE COPY OF THE TITLE DEED DT. 15.1.10 OF THE 12TH PETITIONER.**
- P23 - TRUE COPY OF THE LAND TAX RECEIPT DT. 08.10.13 ISSUED IN FAVOUR OF THE 12TH PETITIONER.**
- P24 - TRUE COPY OF THE TITLE DEED DT. 28.3.11 OF THE 13TH PETITIONER.**
- P25 - TRUE COPY OF THE LAND TAX RECEIPT DT. 22.9.12 ISSUED IN FAVOUR OF THE 13TH PETITIONER.**
- P26 - TRUE CPY OF THE TITLE DEED DT. 29.10.11 OF THE 14TH PETITIONER.**
- P27 - TRUE COPY OF THE LAND TAX RECEIPT DT. 27.7.12 ISSUED IN FAVOUR OF THE 14TH PETITIONER.**
- P28 - TRUE COPY OF THE TITLE DEED DT. 07.3.12 OF THE 15TH PETITIONER.**
- P29 - TRUE COPY OF THE LAND TAX RECEIPT DT. 20.4.13 ISSUED IN FAVOUR OF THE 15TH PETITIONER.**
- P30 - TRUE COPY OF THE TITLE DEED DT. 30.4.10 OF THE 16TH PETITIONER.**
- P31 - TRUE COPY OF THE LAND TAX RECEIPT DT. 16.9.14 ISSUED IN FAVOUR OF THE 16TH PETITIONER.**
- P32 - TRUE COPY OF THE TITLE DEED DT. 18.9.10 OF THE 17TH PETITIONER.**
- P33 - TRUE COPY OF THE LAND TAX RECEIPT DT. 16.9.14 ISSUED IN FAVOUR OF THE 17TH PETITIONER.**
- P34 - TRUE COPY OF THE TITLE DEED DT. 03.5.10 OF THE 18TH PETITIONER.**
- P35- TRUE COPY OF THE LAND TAX RECEIPT DT. 21.6.13 ISSUED IN FAVOUR OF THE 18TH PETITIONER.**
- P36 - TRUE COPY OF THE TITLE DEED DT. 18.9.10 OF THE 19TH PETITIONER.**
- P37 - TRUE COPY OF THE LAND TAX RECEIPT DT. 30.6.14 ISSUED IN FAVOUR OF THE 19TH PETITIONER.**
- P38 - TRUE COPY OF THE TITLE DEED DT. 03.5.10 OF THE 20TH PETITIONER.**
- P39 - TRUE COPY OF THE TITLE DEED DT. 07.3.12 OF THE 21ST PETITIONER.**
- P40 - TRUE COPY OF THE LAND TAX RECEIPT DT. 11.9.14 ISSUED IN FAVOUR OF THE 21ST PETITIONER.**

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- P41 - TRUE COPY OF THE TITLE DEED DT. 16.1.10 OF THE 22ND PETITIONER.**
- P42 - TRUE COPY OF THE LAND TAX RECEIPT DT. 02.5.14 ISSUED IN FAVOUR OF THE 22ND PETITIONER.**
- P43 - TRUE COPY OF THE DEMAND NOTICE OF SURRENDER ISSUED TO SRI.T.N.BALAKRISHNAN NAIR BY THE TLAUK LAND BOARD, SOUTH WAYANAD.**
- P44 - TRUE COPY OF THE ORDER DT. 01.3.12 ISSUED BY THE CHAIRMAN, LAND BOARD.**
- P45 - TRUE COPY OF THE ORDER DT. 02.2.12 ISSUED BY THE LAND REVENUE COMMISSIONER.**
- P46 - TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO ONE SRI.M.GANGADHARAN.**
- P47 - TRUE COPY OF THE LOCATION SKETCH ISSUED TO ONE SRI.M.GANGADHARAN.**
- P48 - TRUE COPY OF THE JUDGMENT IN WPC NO. 34777/2011 OF THIS HON'BLE COURT.**
- P49 - TRUE COPY OF THE JUDGMENT IN WPC NO. 22798/14 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9679 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"a. To issue a writ of certiorari or any other appropriate writ, order or direction calling for the records leading to Exts.P44 and 45 and quash the same;

b. To issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 to 4, not to make any endorsement in the Basic Tax Receipts, Possession Certificates and Location Sketches etc. issued to the petitioners as stated in Ext.P45; And

c. To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case."

The learned counsel for the petitioners places reliance on the decision rendered by this Court in **Devassia v. Sub Registrar**

(2015 (1) KLT 825) and seeks to extend similar benefit to the petitioners.

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 above verdict 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.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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