

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 16995 of 2007 (W)

PETITIONER(S) :

**JAYASREE HARIHARAN, 'SREE LAKSHMI',
TEMPLE ROAD, KOTTAYAM, NOW RESIDING AT
PLAMOOTTIL HOUSE, C.N.I.HILLS, KOTTAYAM.**

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENT(S) :

- 1. VILLAGE OFFICER, OMALLOOR VILLAGE OFFICE,
AATTARIKAM P.O., PATHANAMTHITTA.**
- 2. SUB DIVISIONAL OFFICER, ADOOR,
PATHANAMTHITTA.**

*** ADDITIONAL R3 IMPEADED**

- 3. P.KOMANAMMA, 'SREE LAKSHMI'
TEMPLE ROAD, KOTTAYAM, NOW RESIDING AT
PONNIVIZHUATHU HOUSE, ATTARIKOM P.O.,
OMALLOOR, PATHANAMTHITTA.**

*** ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 14.06.2007 IN
I.A.NO.7657 OF 2007.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.P.M.JOSEPH
ADDL.R3 BY ADV. SRI.B.KRISHNA MANI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 16995 of 2007 (W)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF SETTLEMENT DEED NO.1720/1999 OF THE S.R.O.,
PATHANAMTHITTA.**

**EXHIBIT P2: TRUE COPY OF SETTLEMENT DEED NO.2890/1998 OF THE S.R.O.,
PATHANAMTHITTA.**

**EXHIBIT P3: TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY
THE 1ST RESPONDENT DATED 30.12.2005.**

**EXHIBIT P4: TRUE COPY OF TAX RECEIPT ISSUED FROM THE OFFICE OF
THE 1ST RESPONDENT DATED 30.12.2005.**

**EXHIBIT P5: TRUE COPY OF PETITION PREFERRED BY PETITIONER BEFORE
THE 2ND RESPONDENT DATED 31.01.2007.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.M.SHAFFIQUE, J

*** * * * ***

W.P.C.No.16995 of 2007

Dated this the 18th day of November 2015

J U D G M E N T

Petitioner has approached this Court seeking for a direction to the 1st respondent to permit the petitioner to remit property tax with reference to the property situated in Re-survey No.199/5-3 of Omalloor Village in Kozhencherry Taluk. According to the petitioner, by virtue of Ext.P1 gift deed, the property came in possession of the petitioner. However, when attempts were made to pay tax on the basis of Ext.P1, the Village Officer had informed the petitioner that the said gift deed had been cancelled by virtue of Cancellation Deed No.3302/05. Learned counsel for the petitioner submits that Ext.P1 gift deed is valid and cannot be annulled or cancelled by the donor as it has already taken effect and the petitioner is in possession of the property.

2. Such issues cannot be decided by the Village Officer. It is always open for the petitioner to seek necessary reliefs from the Civil Court. Under such circumstances, I do not think that this

Court will be justified in considering the question regarding title to property in a writ petition.

The writ petition is hence dismissed.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr