

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. 10210 of 2015 (A)

PETITIONERS:

1. P.T.MATHEW AGED 64 YEARS
S/O.THOMAS, RESIDING AT PLATHOTTAM HOUSE
MALAPARAMBA POST, KOZHIKODE 673 009.
2. VALSAMMA MATHEW, W/O.P.T.MATHEW AGED 54 YEARS
RESIDING AT PLATHOTTAM HOUSE, MALAPARAMBA POST
KOZHIKODE 673 009.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.S.NITHIN (ANCHAL)

RESPONDENTS:

1. THE DISTRICT COLLECTOR, COLLECTORATE
KOZHIKODE 673 020.
2. THE TALUK LAND BOARD,
KOILANDI REPRESENTED BY ITS CHAIRMAN
KOZHIKODE 673 020.
3. THE TAHSILDAR, TAMARASSERI TALUK
KOZHIKODE DISTRICT 673 020.
4. THE ADDITIONAL TAHSILDAR, TALUK OFFICE
KOILANDI, KOZHIKODE DISTRICT 673 020.
5. THE VILLAGE OFFICER, TAMARASSERI TALUK
KINALUR VILLAGE, KOZHIKODE DISTRICT 673 020.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

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

APPENDIX

PETITIONERS' EXHIBITS

- P1- DATED 10.1.14 A TRUE COPY OF THE JENM SALE DEED BEARING DOC NO.364/14 OF SRO KOZHIKODE IN FAVOUR OF THE PETITIONER NO.1 IN RESPECT OF HIS PROPERTY
- P2- DATED 10.1.14 A TRUE COPY OF THE JENM SALE DEED BEARING DOC NO.363/14 OF SRO KOZHIKODE IN FAVOUR OF THE PETITIONER NO.2 IN RESPECT OF HIS PROPERTY
- P3- DATED 15.12.2014- TRUE COPY OF THE COMMUNICATION NO.435/14 FILED BY THE PETITIONERS BEFORE RESPONDENT NO.5
- P4- DATED 4.3.14 TRUE COPY OF THE PROCEEDINGS OF RESPONDENT NO.3
- P5- DATED 15.12.2014 TRUE COPY OF THE DETAILED REPRESENTATION FILED BY PETITIONER NO.1 BEFORE RESPONDENT NO.3
- P6- DATED 20.1.2015 TRUE COPY OF THE COMMUNICATION BEARING NO.G3 1167/2015 DATED 20.1.2015
- P7- DATED 10.12.2014 TRUE COPY OF THE COMMUNICATION BEARING NO.L3 55987/14 ISSUED BY THE DEPUTY COLLECTOR (LR) CLARIFICATION ON EFFECTING MUTATION AND ACCEPTANCE OF BASIC TAX.
- P8- DATED 30.1.15 TRUE COPY OF THE COMMUNICATION FROM RESPONDENT NO.5 REGARDING EFFECTING MUTATION
- P9- DATED 28.2.2015 TRUE COPY OF THE DETAILED REPRESENTATION FILED BY PETITIONER NO.1 BEFORE RESPONDENT NO.1
- P10- DATED 13.2.2015 TRUE COPY OF THE JUDGEMENT OF THE HONOURABLE HIGH COURT OF KERALA IN WP(C) NO.34777 OF 2011 (V)

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 10210 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

- "i. issue a Writ of Certiorari quashing Ext.P3;
- ii. issue a Writ of Certiorari quashing Ext.P4.
- iii. issue a writ of mandamus or any other appropriate writ, order or direction, directing respondent No.1 to consider and dispose of Ext.P9 in the light of Ext.P10 judgment of this Hon'ble Court;
- iv. issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to effect mutation and collect the land basic tax from the Petitioners in respect of the properties covered by Ext.P1 and P2 respectively within a time frame to be fixed by this Hon'ble Court"

The learned counsel for the petitioners places reliance on Ext.P10 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 petitioners are also entitled to have similar reliefs. The operative

portion of the Ext.P10 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 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.

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

sj/-