

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. 12220 of 2015 (B)

PETITIONERS :

1. **MELEKKATT KOTTIYENGAL SHAMEER
S/O. LATE MOHAMAD
MELEKKAT KOTTIYENGAL HOUSE
KOLATHUR, KONDOTTY P.O.,
MALAPPURAM DISTRICT – 673 638.**
2. **MELEKKATT KOTTIYENGAL SHAHINA
D/O. LATE MOHAMAD
MELEKKAT KOTTIYENGAL HOUSE
KOLATHUR, KONDOTTY P.O.,
MALAPPURAM DISTRICT – 673 638.**
3. **PARUTHIKUNNAN SUHARA
W/O. LATE MELEKKAT KOTTIYENGAL MOHAMAD
MELEKKAT KOTTIYENGAL HOUSE
KOLATHUR, KONDOTTY P.O.,
MALAPPURAM DISTRICT – 673 638.**

BY ADV. SRI.P.M.POULOSE

RESPONDENT :

**THE VILLAGE OFFICER,
KONDOTTY VILLAGE, KONDOTTY P.O.,
MALAPPURAM DISTRICT
PIN – 673 638.**

BY SR. GOVT. PLEADER SRI. K.C. VINCENT

**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 :

- EXT.P1 : COPY OF THE REGISTERED DOCUMENT NO. 732/04 OF THE SRO,
KONDOTTY.
- EXT.P2 COPY OF THE REGISTERED DOCUMENT NO. 175/2003 OF THE SAME
SRO.
- EXT.P3 COPY OF THE LAND TAX RECEIPT SHOWING REMITTANCE OF LAND
TAX BY THE PETITIONERS ASSIGNORS IN RESPECT OF EXHIBIT – P2
PROPERTY FOR THE PERIOD 2002-03.
- EXT.P4 COPY OF THE LAND TAX RECEIPTS SHOWING REMITTANCE OF LAND
TAX BY THE 3RD PETITIONER IN RESPECT OF EXHIBIT P2 PROPERTY
FOR THE PERIOD 2006-07.
- EXT.P5 COPY OF THE LAND TAX RECEIPTS SHOWING REMITTANCE OF LAND
TAX BY THE 3RD PETITIONER IN RESPECT OF EXHIBIT P2 PROPERTY
FOR THE PERIOD 2007-08.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 12220 of 2015

Dated this the 10th day of April, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

"i. To issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents to accept land tax from the petitioners in respect of properties covered by Exhibits P1 and P2.

ii. To grant such other reliefs as this Hon'ble Court deems fit and proper to grant in the facts and circumstances of the case;

iii. Award cost of the writ petition to the petitioners."

The learned counsel for the petitioners places reliance on the judgment in WP(C) 34777/11 dated 13.02.2015, and seeks to extend similar benefits 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 judgment in WP(C) 34777/11 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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