

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. 12367 of 2015 (U)

PETITIONER:

**KRISHNAYYAN, AGED 63 YEARS,
S/O.SUKUMARAN, THAI VEETIL , CHERUKARA P O
KAVALAM VILLAGE, ALAPPUZHA DISTRICT.**

**BY ADVS.SMT.GISA SUSAN THOMAS
SMT.NEENU.P.KUMAR
SMT.K.S.SHALEEJA
RACHEL SARA JAMES
N.LEELAMANI**

RESPONDENTS:

- 1. STATE OF KERALA
REP BY SECRETARY, DEPARTMENT OF REVENUE, SECRETARIAT
BUILDING, THIRUVANANTHAPURAM-695001.**
- 2. DISTRICT COLLECTOR
COLLECTORATE, ALAPPUZHA-688001.**
- 3. REVENUE DIVISIONAL OFFICER
ALAPPUZHA DISTRICT-688001.**
- 4. THE SUB REGISTRAR
PULINKUNNU, ALAPPUZHA DISTRICT-688001.**
- 5. THE VILLAGE OFFICER
KAVALAM VILLAGE, ALAPPUZHA DISTRICT-688001.**
- 6. SOMAN, S/O.GOVINDAN, AGED 69 YEARS, SREE SADANAM, THIRUVATHIRA
THANNEERMUKKOM, CHERTHALA TALUK, ALAPPUZHA DISTRICT-688527.**
- 7. KUNJAMMA, W/O.SOMAN, AGED 62 YEARS, THIRUVATHIRA,
THANNEERMUKKOM, CHERTHALA TALUK, ALAPPUZHA DISTRICT-688527.**

R1-5 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:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- THE COPY OF THE SALE DEED NO 736/1971 OF PULINKUNNU SRO**
- P2:- THE COPY OF THE PURCHASE CERTIFICATE NO 171/1975 OF LAND TRIBUNAL, VELIYANAD**
- P3:- THE COPY OF THE SALE DEED NO 1332/1968 OF PULINKUNNU S R O**
- P4:- THE BASIC TAX RECEIPT**
- P5:- THE COPY OF THE RELEASE DEED NO 3423/2000 EXECUTED BY THE PRESIDENT, CARD BANK IN FAVOUR OF THE PETITIONER AND HIS WIFE**
- P6:- THE COPY OF THE GEHAN RELEASE NO G159/2013 DTD 4/2/2013 IN FAVOUR OF THE PETITIONER**
- P7: THE COPY OF THE PLAINT IN OS NO 323/2015 FILED BY THE PETITIONER BEFORE THE HON'BLE MUNSIFFS COURT , ALAPPUZHA**
- P8:- THE COPY OF HTE ENCUMBRANCE CERTIFICATE NO 239/2015 DTD 16/1/2015**
- P9:- THE COPY OF THE SALE DEED NO 547/2015 OF PULINKUNNU SRO**
- P10:- THE COPY OF THE REPRESENTAITON PREFERRED BEFORE THE RDO, ALAPPUZHA**
- P11:- THE COPY OF THE REPRESENTATION DTD 25/3/2015 PREFERRED BEFORE THE VILLAGE OFFICER, KAVALAM VILLAGE**
- P12: TRUE COPY OF THE COMMISSION REPORT WITH MAHAZAR DATED 28/3/15.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 12367 of 2015

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Dated, this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ of mandamus or any other appropriate writ, directing the respondents not to initiate any proceedings effecting mutation of the property.

(ii) Issue a writ of mandamus or any other appropriate writ, or direction to call for the entire records from the office of the 4th respondent relating to the registration of Ext.P9 sham documents.

(iii) Issue a writ of mandamus or any other appropriate writ or direction to the respondents 3 and 5 to consider Exhibit P10 and P11 representations and to act upon in accordance with law within a specified period.

(iv) Issue a writ of mandamus or any other appropriate writ or direction to respondents from disturbing the possession and enjoyment of the petitioner in his property comprised in Sy. No. 401/1 of Kavalam village.

(v) Pass such any other order or direction which are deemed fit and proper in the circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner will be satisfied, if a direction is given to the third

respondent to consider and pass appropriate orders on Ext. P10 representation preferred by the petitioner within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the matter on merits or to issue notice to the 6th and 7th respondents for the time being. The Writ Petition is disposed of, directing the third respondent to consider and pass appropriate orders on Ext. P10 representation preferred by the petitioner, in accordance with law, after giving an opportunity of hearing to the petitioner, respondents 6 and 7 and other interested parties, if any, at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the third respondent for further steps.

Sd/-

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

kmd