

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 12800 of 2015 (Y)

PETITIONERS:

1. BALAMOCHANAN NAIR, AGED 72 YEARS
S/O, KESAVA PILLAI, KOIKKAL HOUSE
MARIATHURUTHU, MALLUSSERY,
PERUMBAIKKADU, KOTTAYAM.
2. P.K.OMANA, AGED 75 YEARS
W/O.CHANDRASEKHARAN NAIR,
KOIKKAL HOUSE, MARIATHURUTHU
MALLUSSERY, PERUMBAIKKADU, KOTTAYAM.
3. HARI C.NAIR,
KOIKKAL HOUSE, MARIATHURUTHU, MALLUSSERY
PERUMBAIKKADU, KOTTAYAM.
4. SREERAJ C.NAIR,
KOIKKAL HOUSE, MARIATHURUTHU, MALLUSSERY
PERUMBAIKKADU, KOTTAYAM.

BY ADVS. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KOTTAYAM-686 001.
2. THE TAHSILDAR, TALUK OFFICE, KOTTAYAM-686 002.
3. THE VILLAGE OFFICER, VILLAGE OFFICE
MUTTAMBALAM, KOTTAYAM-686 002.

BY GOVERNMENT PLEADER SRI.S.JAMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12800 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS

- EXT P1: TRUE COPY OF DEATH CERTIFICATE OF CHANDRASEKHARAN NAIR.
- EXT P2: TRUE COPY OF DEATH CERTIFICATE OF SUMATHIAMMA.
- EXT P3: TRUE COPY OF THE KAICHIT IN OS.NO.2/1122 M.E. OF DISTRICT COURT, KOTTAYAM.
- EXT P4: TRUE COPY OF FAMILY MEMBERSHIP CERTIFICATE DATED 4-10-2014 ISSUED BY VILLAGE OFFICE, PERUMBAIKODU.
- EXT P5: TRUE COPY OF THE APPLICATION DATED 9-1-2005 SEND BY THE PETITIONERS.
- EXT P6: TRUE COPY OF THE REPORT DATED 23-1-2005 SUBMITTED BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

AHZ/

K.T.SANKARAN ,JJ.

W.P.(C) NO.12800 OF 2015 (Y)

Dated this the 8th day of June, 2015

JUDGMENT

The petitioners submitted Ext.P5 petition dated nil to the Additional Tahsildar, Kottayam, stating that the petitioners are the owners in possession of certain items of properties as allotted to them as per the final decree in O.S.No.2/1122 (M.E.) on the file of the District Court, Kottayam, but a portion of the same is shown as included in the Thandapper of John Molly, John E. Philip and Govindaraman. The petitioners prayed for necessary changes in the Thandapper to enable them to pay the land revenue.

2. The relief prayed for in the Writ Petition is to issue a writ of mandamus to the second respondent (Tahsildar, Kottayam) to consider and pass final orders on Ext.P5 application within a time limit to be fixed by the Court.

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3. It is seen that Ext.P5 application was forwarded by the Tahsildar to the Village Officer, Muttambalam for urgent report, on 9.1.2015. Accordingly, Ext.P6 report dated 23.1.2015 was submitted by the Village Officer. Learned counsel for the petitioners submitted that the report of the Village Officer would show that the contention raised by the petitioners is true.

4. Since Ext.P5 application is pending before the second respondent, the second respondent shall consider the same on the merits and also taking into account the report submitted by the Village Officer and after hearing John Molly, John E. Philip and Govindaraman referred to in Ext.P5 application, shall pass appropriate orders within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

(K.T.SANKARAN)
Judge

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