IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 16861 of 2011 (G)

PETITIONER(S):

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1. **K.R.AROGYASWAMY, S/O. LATE RAJAMANIKYAM AGED 34 YEARS, KONGAMPARA, PUTHUSSERRY EAST VILLAGE, PALAKKAD TALUK.**

2. **VINOSHILPA CHRISTINA, W/O. K.R.AROGYASWAMY, KONGAMPARA PUTHUSSERY EAST VILLAGE, PALAKKAD TALUK.**

BY ADVS.SRI.T.V.GEORGE
SRI.JIMMY GEORGE (THADATHIL)

RESPONDENT(S):

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1. **THE TAHSILDAR, TALUK OFFICE, PALAKKAD-678621.**

2. **VILLAGE OFFICER, PUTHUSSERRY EAST VILLAGE, PUTHUSSERY, PALAKKAD.**

BY ADV.SOJAN JAMES, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JV

WP(C) NO.16861/2011

APPENDIX

PETITIONER'S EXHIBITS:

P1	:	COPY OF PURCHASE CERTIFICATE NO.629/76 DATED 27.01.76 ISSUED BY THE SPECIAL TAHSILDAR, LAND REFORMS NO.IV, COYALMANNAM
P2	:	COPY OF PURCHASE CERTIFICATE NO.4145/76 DATED 12.06.76 ISSUED BY THE SPECIAL TAHSILDAR, LAND REFORMS NO.IV, COYALMANNAM
P3	:	COPY OF TAX RECEIPT FOR THE PERIOD 1972-73 ISSUED IN FAVOUR OF GOPALAKRISHNAN, BY THE VILLAGE OFFICER, PUTHUSSERY EAST
P4	:	COPY OF TAX RECEIPT FOR THE PERIOD 1963-64, 1970-71, 1972-73 ISSUED IN FAVOUR OF KANDAN, BY THE VILLAGE OFFICER, PUTHUSSERY EAST
P5	:	COPY OF SALE DEED NO.2988/87 OF SRO PALAKKAD, DTD 18.06.87
P6	:	COPY OF PARTITION DEED NO.1492/93 OF SRO PALAKKAD, DTD 05.04.93
P7	:	COPY OF RELEASE DEED NO.6165/07 DTD 07.07.2007
P8	:	COPY OF SALE DEED NO.6755/2010 OF SRO PALAKKAD DTD.15.09.2010
P8(A)	:	COPY OF SALE DEED NO.4157/2009 OF SRO PALAKKAD DTD 25.06.2009
P9	:	COPY OF TAX RECEIPT FOR THE PERIOD 2010-11 ISSUED IN FAVOUR OF 1ST PETITIONER BY THE VILLAGE OFFICE, PUTHUSSERY EAST
P10	:	COPY OF TAX RECEIPT FOR THE PERIOD 2010-11 ISSUED IN FAVOUR OF 2ND PETITIONER BY THE VILLAGE OFFICE, PUTHUSSERY EAST
P11	:	COPY OF POSSESSION CERTIFICATE DTD.04/08/2010 ISSUED IN FAVOUR OF 1ST PETITIONER BY THE VILLAGE OFFICE, PUTHUSSERY EAST.
P12	:	COPY OF POSSESSION CERTIFICATE DTD.01/10/2010 ISSUED IN FAVOUR OF 2ND PETITIONER BY THE VILLAGE OFFICE, PUTHUSSERY EAST.

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.16861 of 2011

Dated this the 3rd day of July, 2015

JUDGMENT

According to the petitioners, they are agriculturists, in absolute ownership, possession and enjoyment of 2.82 acres and 2.68 acres of land each in Re-Survey Nos.301/4, 312/2, 312/1 & Re-Survey Nos.311/6 and 312/6 in Puthussery East Village, Palakkad Taluk. They have approached this Court in this writ petition seeking a writ of mandamus or any other appropriate writ, direction or order, commanding the respondents to accept basic tax for the current year, for the property covered under Exts.P1 and P2 purchase certificates. He has also sought for a writ of mandamus commanding the respondents not to disturb in any manner the possession, ownership and enjoyment of the property covered by Exts.P1 and P2 purchase certificates, as they are legally valid.

2. The 1st respondent has filed a counter affidavit, through the Special Government Pleader (Revenue) and paragraphs 2 and 3 of the same reads thus:

"2. It is submitted that as per the Taluk Land Board proceedings initiated against Thirugnanam Chettir No.LB-712/73 dated 30.07.1977, an extent of 55.93 acres of land was directed to be taken over as excess land. The properties comprised in Re-Survey Nos.312/2, 312/1, 311/6 and 312/6 of Puthussery East Village are within the ceiling limits of excess lands already taken possession of from one Thirujnanam Chettiyar against whom ceiling proceedings were intiated.

3. It is submitted that when the possession was taken over, no mention was made regarding the occupants in the Mahazar. However, as per the Re-Survey records published and implemented in Puthussery Village various extents already taken over were found to be in possession of various occupants and tax was also seen remitted for the various extents. It is submitted that discrepancies that have arisen due to the taking over of the possession as well as possession of the said extents in the hands of various claimants have to be enquired into and the discrepancy has to be sorted out. In this respect, steps have been taken by this respondent before the Taluk Land Board for appropriate action. However, since the petitioners were remitting the land tax for a long time this respondent has permitted the petitioners to remit the land tax provisionally subject to the directions of the State Land Board in this regard. Hence it is submitted that this Hon'ble Court may be pleased to dispose of the Writ Petition in the light of the statements submitted above."

3. I heard the arguments of the learned counsel for the

petitioner and also the learned Government Pleader appearing for the respondents.

4. Going by the stand taken by the 1st respondent in their statement, an extent of 55.93 acres of land was directed to be taken over as excess land vide proceedings of the Taluk Land Board against one Thirugnanam Chettiar by proceedings No.LB-712/73 dated 30.07.1977. The properties comprised in Re-Survey Nos.301/4, 312/2, 312/1 & Re-Survey Nos.311/6 and 312/6 of Puthussery East Village are within the ceiling limits of excess lands already taken possession of from Thirugnanam Chettiar, against whom ceiling proceedings were initiated.

5. As per the statement filed by the 1st respondent, when possession of the aforesaid 55.93 acres of land was taken over, no mention was made regarding the occupants in the Mahazar. However, as per the re-survey records published and implemented in Puthussery Village, various extents already taken over were found to be in possession of various occupants and tax was also seen remitted for the various extents. According to the the 1st respondent, the above discrepancies have arisen due to the taking over of land in the hands of various claimants and that, a proper enquiry has to be conducted and the

discrepancies have to be sorted out and that steps have already been taken before the Taluk Land Board for appropriate action. However, since the petitioners are remitting land tax for a long time, the 1st respondent has permitted them to remit the land tax provisionally subject to the directions of the Taluk Land Board in this regard.

6. In view of the above stand taken by the 1st respondent, this writ petition is disposed of directing the 1st respondent to accept land tax from the petitioners for the property covered by Exts.P1 and P2 purchase certificates.

7. But it is made clear that such remittance of land tax will be purely provisional and subject to the directions of the Taluk Land Board in this regard.

It is also made clear that, this Court has not expressed anything on the merits of the case, touching possession, ownership and enjoyment of the petitioners over the land in question.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV