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. 17381 of 2011 (W)

PETITIONER(S):

HRIDAYAMMAL, W/O.LATE AROGYASWAMI,
AGED 75 YEARS, MATHAKKARAN VEEDU, KONGAMPARA
KOZHIPPARA P.O., 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-678 621.

2. VILLAGE OFFICER,
   PUTHUSSERY EAST VILLAGE, PUTHUSSERY, PALAKKAD-678 621.

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:

WP(C) N0.17381/2011

APPENDIX

PETITIONER'S EXHIBITS:

P1	:	COPY OF PURCHASE CERTIFICATE NO.1790/75 DATED 08.11.75 ISSUED BY THE SPECIAL TAHSILDAR, (L.R) OTTAPPALAM
P2	:	COPY OF TAX RECEIPT FOR THE PERIOD 1983-84 ISSUED BY THE VILLAGE OFFICER, PUTHUSSERY EAST
P3	:	COPY OF TAX RECEIPT FOR THE PERIOD 2006-07 ISSUED BY THE VILLAGE OFFICER, PUTHUSSERY EAST
P4	:	COPY OF POSSESSION CERTIFICATE DTD. 16.12.2006 ISSUED BY THE VILLAGE OFFICE, PUTHUSSERRY EAST

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.17381 of 2011
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Dated this the 3rd day of July, 2015

JUDGMENT

According to the petitioner, She is an agriculturist, in absolute ownership, possession and enjoyment of 05.84 acres of land in Re-Survey Nos.310/4 and 314/11 in Puthussery East Village, Palakkad Taluk. She has 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 Ext.P1 purchase certificate. She 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 Ext.P1 purchase certificate, 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.310/4 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.310/4 and 314/11 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 petitioner is remitting land tax for a long time, the 1st respondent has permitted her 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 petitioner for the property covered by Ext.P1 purchase certificate.

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 petitioner over the land in question.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV