IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 19854 of 2012 (F)

PETITIONER(S):

K.J. GEORGE
S/O.ESKAYEL OUSEPH, KODIPLACKAL HOUSE, 1000 ACRE
MANNAMKANDOM P.O, VELLATHOOVAL VILLAGE
DEVIKULAM TALUK, IDUKKI DISTRICT.

BY ADVS.SRI.K.J.GEORGE KUNNUMPURATH
SRI.JOHN JOSEPH(ROY)

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695 001.

2. THE DISTRICT COLLECTOR
IDUKKI DISTRICT, PAINAVU, IDUKKI 685 603.

3. THE TAHSILDAR
TALUK OFFICE, DEVIKULAM, IDUKKI DISTRICT
685 613.

4. THE VILLAGE OFFICER
VELLATHUVAL VILLAGE, VELLATHOOVAL, DEVIKULAM TALUK
685 563.

BY ADV. GOVERNMENT PLEADER SMT.M.J. RAJASREE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT P1. TRUE COPY OF THE PATTAYAM ISSUED IN FAVOUR OF THE FATHER OF THE PETITIONER.

EXHIBIT P2. TRUE COPY OF THE LAND TAX RECEIPT ISSUED FROM THE VILLAGE OFFICE, VELLATHOOVAL DATED 16.01.2002.

EXHIBIT P3. TRUE COPY OF THE BTR REGISTER STANDS IN THE NAME OF THE FATHER OF THE PETITIONER IN RESPECT OF THE PROPERTY.

EXHIBIT P4. TRUE COPY OF THE LETTER DATED 13.03.2008 ISUSED BY THE 4TH RESPONDENT.

EXHIBIT P5. TRUE COPY OF THE LETTER ISSUED BY THE SUPERINTENDENT OF LAND RECORDS TO THE TAHSILDAR.

EXHIBIT P6. TRUE COPY OF THE LETTER DATED 29.05.2010 ISSUED BY THE SURVEY DEPUTY DIRECTOR.

EXHIBIT P7. TRUE COPY OF THE COMMUNICATION DATED 22.12.2011.

A.M. SHAFFIQUE, J.

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W.P. (C) No. 19854 of 2012 F
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Dated : 23 - 02 - 2015

JUDGMENT

Petitioner claims to be the legal heir of Esakayel Ouseph who claims to be the absolute owner in respect of 1 acre 8 cents of property in Sy. No. 282/3 A of Vellathooval Village which he had obtained as per L.A. No. 5807/1968 of the Special Tahsildar, Devikulam.

2. Petitioner submits that deceased Esakayel Ouseph, his predecessor was paying tax in respect of the property which is evident from Ext. P2 as well as Ext. P3. But, during re-survey, the property has not been measured and presently tax is not received by the Revenue Authorities. Petitioner, therefore, has approached this Court seeking a direction to respondents 3 and 4 to effect necessary corrections in the survey records and BTR in respect of

the above property and for a direction to the Village Officer to accept land tax and issue proper land tax receipt so as to enable him to enjoy the property and do the necessary developmental activities.

2. Counter affidavit has been filed by the second respondent, inter alia, stating that during the time of re-survey the petitioner did not produce the necessary documents to prove his title to the property. He claims to be the only legal heir of the deceased land owner and if the petitioner produces all necessary documents including the land acquisition patta, necessary measurement can be taken and after survey and preparation of sketch, appropriate measures can be taken in that regard. Paragraph 6 of the affidavit filed is relevant which reads as under:

> "The Village Officer had reported as per 373/10 dated 6-12-2010 that the land mentioned by the L.A. 5807/68 is in the name

> of one Esakkayel Ouseph, father of the petitioner. The petition with adequate supporting document is necessary to measure and prepare the sketch of the land and the same was approved from the District Survey Superintendent, Idukki, instead of a letter issued from the Deputy Director of Survey, Idukki. It is submitted that on production of the document survey will be conducted on the basis of merit."

3. Having regard to the fact that the Revenue Authorities had already indicated that the property can be measured and identified after verification of the record, I am of the view that this Writ Petition can be disposed of as under:-

> Petitioner shall produce all necessary documents including title deeds and property tax receipts before the 3rd respondent, Tahsildar, within a period of one month from today and on receipt of the same, the 3rd respondent shall make all

necessary arrangements to survey the property, preparation of sketch etc. and, thereafter, take appropriate measures to receive tax in accordance with the procedure prescribed, within a period of three months thereafter.

Sd/- A.M. SHAFFIQUE
(Judge)

ani/ /truecopy/

P.S. to Judge