IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 19796 of 2015 (Y)

PETITIONER(S):

ALBERT ALEXANDER, AGED 55 YEARS,
S/O.NALLAYYAN, PAZHANIYARPALAYAM,
KOZHINJANPARA VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT.

BY ADVS.SRI.BINOY VASUDEVAN
SRI.R.MANIKANTAN
SMT.P.G.BABITHA

RESPONDENT(S):
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1. **THE TAHSILDAR,**
   TALUK OFFICE, CHITTUR - 678 101

2. **THE VILLAGE OFFICER,**
   VILLAGE OFFICE, KOZHINJANPARA,
   CHITTUR TALUKPALAKKAD DISTRICT - 678 101.

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 19796 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-TRUE COPY OF THE DOCUMENT NO 924/93 OF S.R.O. KOZHINJANPARA.

P2:-TRUE COPY OF THE TAX RECEIPT ISSUED BY THE 2ND RESPONDENT DTD 25/5/2010.

P3:-TRUE COPY OF THE TAX RECEIPT ISSUED BY THE 2ND RESPONDENT DTD 4/4/2012.

P4:-TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 2ND RESPONDENT DTD 25/5/2010.

P5:-TRUE COPY OF THE RECEIPT DTD 4/4/2012 EVIDENCING THE REMITTANCE TOWARDS THE LABOUR WELFARE FUND.

P6:-TRUE COPY OF THE CERTIFICATE OF ENCUMBRANCE.

P7:-TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER DTD 15/4/2013 BEFORE THE 2ND RESPONDENT.

P8:-TRUE COPY OF THE JUDGMENT DTD 21/5/2013 IN WPC NO 12506/13.

P9:-TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DTD 24.6.2013.

P10:-TRUE COPY OF THE LEGAL OPINION ALONG WITH THE COVERING LETTER RECEIVED FROM THE OFFICE OF THE ADDITIONAL TAHSILDAR.

RESPONDENT(S)' EXHIBITS:
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NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.19796 of 2015

Dated this the 7th day of September, 2015.

J U D G M E N T

The petitioner has approached this Court on account of refusal of acceptance of basic tax and also for not issuing the possession certificate.

2. The learned Government Pleader on instruction submits that the petitioner's claim for title is based on a settlement deed, which was cancelled by the father of the petitioner subsequently, who was the original executor of the deed. It is further submitted that the father executed a registered will in favour of two other brothers of the petitioner. The learned Government Pleader submits that the brothers are also seeking for acceptance of basic tax as well as the issuance of possession certificate.

3. The petitioner's right in fact can only be decided based on the decision regarding the validity of the cancellation of the title deed. This Court is of the view that,

the matter can be resolved only through a Civil court. The acceptance of the basic tax as well as the issuance of possession certificate would depend upon the decision of the Civil court. In view of the above, with the liberty to approach the Civil court, this writ petition can be disposed of. However, if the basic tax and possession certificate are not already issued to the brothers of the petitioner, the status quo as on today shall be maintained for 2 months to enable the petitioner to seek appropriate relief before the Civil court.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge