

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

W.P.(C).No.23919 of 2012 (L)

PETITIONER(S):-

GEETHA NASAR, W/O K.S. NASAR, AGED 47 YEARS, KOMATH HOUSE,
MURIKKUMPADOM, AZHEEKAL POST, VYPEEN - 682510.

BY ADV. SRI.DENIZEN KOMATH.

RESPONDENT(S):-

1. GREATER KOCHIN DEVELOPMENT AUTHORITY,
P.B.NO.2012, KOCHI-682020, REPRESENTED BY ITS SECRETARY.

* ADDITIONAL RESPONDENTS 2 TO 4 IMPLEADED:

ADDL.2. THILOTHAMA, W/O.SUBRAN,
PLOT NO.G232, PERUMANNOOR DESOM,
ERNAKULAM VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.

ADDL.3. MINI UNNIKRISHNAN, D/O.SUBRAN,
PLOT NO.G232, PERUMANNOOR DESOM,
ERNAKULAM VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.

ADDL.4. AJAYAN, S/O.SUBRAN,
PLOT NO.G232, PERUMANNOOR DESOM,
ERNAKULAM VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.

* ADDITIONAL RESPONDENTS 2 TO 4 ARE IMPLEADED AS PER ORDER
DATED 23/01/2013 IN IA 14894/2012.

R1 BY ADV. SRI.S.B.PREMACHANDRA PRABHU
R3 & R4 BY ADV. SRI.T.C.GOVINDA SWAMY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S) EXHIBITS:-

- EXT. P1 TRUE PHOTOCOPY OF DOCUMENT BEARING NUMBER 4717/95 OF
 THE SUB REGISTRAR OFFICE, ERNAKULAM.
- EXT. P2 TRUE COPY OF THE PHOTOCOPY OF THE INTIMATION ISSUED
 FROM THE OFFICE, OF THE RESPONDENT DATED 13-07-2010.
- EXT. P3 TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER TO THE
 RESPONDENT DATED 11-08-2010.
- EXT. P4 TRUE COPY OF THE INTIMATION ISSUED BY THE OFFICE OF THE
 RESPONDENT DATED 16-09-2010.
- EXT. P5 TRUE COPY OF THE FORWARDING LETTER SERVING EXHIBIT P1
 TO THE RESPONDENT.
- EXT. P6 TRUE COPY OF THE IMPUGNED DECISION REACHED BY THE
 RESPONDENT VIDE INTIMATION DATED 21-02-2010.
- EXT. P7 TRUE COPY OF THE REQUEST FOR REVIEW OF DECISION
 REACHED BY THE RESPONDENT, DATED 17-03-2011.
- EXT.P8 TRUE PHOTOCOPY OF THE LETTER PREFERRED BY
 4TH RESPONDENT BEFORE 1ST RESPONDENT DATED 20.11.99.

RESPONDENTS' EXHIBITS:-

- EXT.R4(a) TRUE COPY OF NOTICE BARING NO.500/C6/232/E&R/GCDA
 DATED 19.10.1993 ISSUED BY THE 1ST RESPONDENT.
- EXT.R4(b) TRUE COPY OF O.S.NO.1341/1993 FILED BEFORE THE
 HON'BLE MUNSIFF'S COURT, ERNAKULAM.
- EXT.R4(c) TRUE COPY OF JUDGMENT IN O.S.NO.1341/1993 DATED 20.09.1995.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.23919 of 2012-L

Dated this the 03rd day of June, 2015

JUDGMENT

The writ petition has been filed against Exhibit P6 order of the 1st respondent.

2. The admitted facts are that, the petitioner's father, Supran (deceased), had been allotted a plot by the 1st respondent, against which an enhancement of price was made and a demand raised as against the father himself, in his life time. Revenue recovery proceedings were also initiated and subsequently withdrawn, upon which a suit filed by the father of the petitioner was also withdrawn with leave. However, later on, the 1st respondent issued notice to the petitioner, her mother and her siblings, being additional respondents 2 to 4. The said demand is produced at Exhibit P2, which is dated 13.07.2010. The petitioner then is said to have filed a representation before the 1st respondent, contending that her share would be only

1/4th, since the father left behind four legal heirs. It was sought that she be exonerated on payment of 1/4th of the demand made. The said request was rejected by Exhibit P6.

3. Admittedly the legal heirs of deceased Supran, on whom the property allotted by the 1st respondent devolved upon, were made liable for the enhanced land cost as indicated in Exhibit P2. The liability is joint and several and there could be no apportionment made and a specific heir alone exonerated from that liability.

4. I have heard the learned counsel for the 1st respondent, who submits that on refusal to pay the entire amount, the 1st respondent would have to proceed against the subject property. The additional respondents 3 and 4 appears through counsel, who submits that there is a dispute with respect to the liability.

5. The additional respondents 2 to 4 cannot dispute their liability against Exhibit P6 order in a writ petition filed by another. This Court would not consider the dispute as to the liability on merits, especially since this is not a writ petition filed by additional

respondents 2 to 4. That dispute, if at all, would have to be agitated in the appropriate forum, in accordance with law, if permissible at this distance of time.

6. The learned counsel for the petitioner as also the learned counsel for the additional respondents 3 and 4 submit that as per Exhibit P8, all legal heirs have admitted to the liability. In any event, the prayer made of apportionment by the petitioner cannot be allowed. Exhibit P6 would stand sustained. The writ petition would stand dismissed. Parties are left to suffer their respective costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]