

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 23998 of 2013 (Y)

PETITIONER(S):

1. JOY
KOLLANNUR HOUSE, PATTIKAD P.O, THRISSUR DISTRICT.

2. MOLLY,
W/O. JOY, KOLLANNUR HOUSE, PATTIKAD P.O
THRISSUR DISTRICT.

BY ADVS.SRI.K.B.GANGESH
SMT.ATHIRA A.MENON

RESPONDENT(S):

1. VILLAGE OFFICER
PANANCHERRY VILLAGE, THRISSUR DISTRICT - 680 001.

2. TAHSILDAR
THRISSUR TALUK, THRISSUR - 680 003.

3. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR DISTRICT- 680 003

R1,R2,R3 BY GOVERNMENT PLEADER SRI.M.MOHAMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

- P1: TRUE COPY OF DOCUMENT NO.3347/1996 OF OLLUKKARA SRO. DT.27.7.96
- P2: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PREDECESSOR IN INTEREST OF THE 1ST PETITIONER DT.19.3.96
- P3: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PREDECESSOR IN INTEREST OF THE 1ST PETITIONER DT.20.7.96
- P4: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.12.9.97
- P5: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.15.6.98
- P6: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.22.12.99
- P7: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.15.1.2000
- P8: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.14.3.02
- P9: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.15.11.02
- P10: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.22.3.04
- P11: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.21.7.05
- P12: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.11.5.09
- P13: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.18.4.11
- P14: TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS DT.27.11.12
- P15: TRUE COPY OF OWNERSHIP CERTIFICATE ISSUED IN FAVOUR OF THE PETITIONERS IN RESPECT OF RESIDENTIAL BUILDING IN THE PROPERTY WITH DOOR NO.III/9 BY PANANCHERRY GRAMA PANCHAYAT DT.26.8.13
- P16: TRUE COPY OF DOCUMENT NO.1330/2013 OF OLLUKKARA SRO.
- P17: TRUE COPY OF APPLICATION REFERRED TO THE 1ST RESPONDENT DT.27.4.13
- P18: TRUE COPY OF THE ACKNOWLEDGEMENT CARD DT.22.8.13

RESPONDENTS' EXHIBITS: NIL

OKB

//TRUE COPY//

P.A. TO JUDGE

K.HARILAL, J.

W.P(C). No.23998 of 2013

Dated this the 18th day of March, 2015.

JUDGMENT

1.The petitioners were in absolute possession and enjoyment of 2.75 cents of land with a residential building in Re.Sy.No.132/4 of Pananchery Village, Thrissur Taluk. They have sold away the said property by virtue of Ext.P16 sale deed in favour of one Smt. Molly, Edappara House, Pattikad P.O. Thereafter, the petitioners have submitted Ext.P17 application for effecting mutation in favour of the said Molly. But, in spite of long lapse of time, the 1st respondent has not taken any action on Ext.P17 on the ground that the petitioners' property is a Puramboke land. This is the grievance projected in this writ petition.

2.The 2nd respondent filed a counter affidavit contending that in the schedule of petitioners' documents and their predecessors' documents the description of the property is stated as 'Verumpattam', which was absolutely wrong. In fact, the

property was 'Puramboke', which was wrongly described as Verumpattam land in the above said documents. The description of the property mentioned in the column of the schedule of the Document No.1330/2013 of Sub Registrar Office, Ollukkara is incorrect. In this document also, it is mentioned as Verumpattam instead of Puramboke. Hence, the document is invalid. According to the revenue records, the land comprised in Sy.No.132/4 of Pananchery Village is a Puramboke Sarkar Land and it was the sole reason for rejecting the application for effecting mutation.

3. Though it is stated in this writ petition that the 1st respondent has not taken any action on Ext.P17 application, the averment in the counter affidavit shows that the said application had been considered and the claim for mutation was rejected on the reason that the said land is a Puramboke land. In the above circumstances, the relief sought for in this writ petition has become infructuous. However, the 1st respondent is directed to serve a copy of the order by which Ext.P17 application had been rejected to the petitioner, within a period of two weeks from the

date of production of a copy of this judgment. Needless to say, it is for the petitioner to work out statutory remedies provided under law.

This writ petition is disposed of as above.

Sd/–
(K.HARILAL, JUDGE)

okb.