

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 24608 of 2013 (A)

PETITIONER(S):

**JOY ALIAS KURIAN,
KANNEZHATH NIKARTH,
ERAMALLOOR P.O., CHERTHALA.**

BY ADV. SRI.J.OM PRAKASH.

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
ALAPPUZHA P.O., PIN-688 001.**
- 2. THE TAHSILDAR, TALUK OFFICE,
CHERTHALA P.O, PIN-688 524.**
- 3. SMT. USHA, W/O. NARAYANAN NAIR,
KANNEZHATH, ERAMALLOOR P.O.,
CHERTHALA-688 537.**
- 4. RAJESH,
S/O. NARAYANAN NAIR, -DO- -DO-**
- 5. RINU, -DO- -DO-.**

**R1 & R2 BY GOVT. PLEADER SRI.K.C. VINCENT.
R3 & R4 BY ADVS. DR.V.N.SANKARJEE,
SRI.V.N.MADHUSUDANAN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1-** A TRUE COPY OF THE PURCHASE CERTIFICATE ISSUED BY THE LAND TRIBUNAL, SPECIAL TAHSILDAR (L.R.), CHERTHALA DATED 10-03-2003.
- EXHIBIT P2-** A TRUE COPY OF THE PETITION DATED 20-06-2003 FILED BEFORE THE 2ND RESPONDENT.
- EXHIBIT P3-** A TRUE COPY OF THE LETTER OF THE FIRST RESPONDENT DATED 10-12-2004.
- EXHIBIT P4-** A TRUE COPY OF THE APPLICATION DATED 14-11-2005.
- EXHIBIT P5-** A TRUE COPY OF THE P.L.D.NO. 295/2012 DATED 11-07-2012.
- EXHIBIT P6-** A TRUE COPY OF THE ORDER DATED 16-08-2012 IN P.L.D.NO. 295/2012.
- EXHIBIT P7-** A TRUE COPY OF THE REVIEW PETITION DATED 13-04-2013.
- EXHIBIT P8-** A TRUE COPY OF THE ORDER IN P.L.D. 295/2012 DATED 06-05-2013.
- EXHIBIT P9-** A TRUE COPY OF THE APPLICATION DATED 19-08-2013.
- EXHIBIT P10-** A TRUE COPY OF THE ACKNOWLEDGMENT CARD DATED 20-08-2013.
- EXHIBIT P11-** A TRUE COPY OF THE DECREE IN O.S.NO. 11/87 DATED 20-02-1993.

RESPONDENT'S EXHIBITS:-

- EXT.R3A** COPY OF THE DEATH CERTIFICATE DATED 20/03/2012.
- EXT.R3B** COPY OF THE DEATH CERTIFICATE DATED 07/02/2011.
- EXT.R3C** COPY OF THE DOCUMENT DATED 02/09/1954.
- EXT.R3D** COPY OF THE TAX RECEIPTS (4 NOS.) DATED 17/12/2010, 22/12/2010, 24/06/2011 & 26/07/2012.
- EXT.R3E** COPY OF THE BASIC TAX RECEIPTS (4 NOS.) DATED 14/03/1975, 22/09/1977, 05/11/1979 & 20/12/1980.

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EXT.R3F	COPY OF THE DEATH CERTIFICATE DATED 13/08/2013.
EXT.R3G	COPY OF THE PARTITION DEED DATED 20/09/2001.
EXT.R3H	COPY OF THE BASIC TAX RECEIPTS (2 NOS.) DATED 06/12/2010 & 30/06/2012.
EXT.R3I	COPY OF THE RELEASE DEED DATED 22/03/2013.
EXT.R3J	COPY OF THE TAX RECEIPT DATED 24/08/2013 IN RESPECT OF THE 3RD RESPONDENT;S SON.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 24608 of 2013

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Dated, this the 4th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (i) Issue a writ of mandamus directing the 2nd respondent to dispose of Ext. P9 application with notice to respondents 3 to 5 and take appropriate follow up action within a time schedule to be fixed by this Hon'ble Court.
- (ii) Grant such other further reliefs which this Hon'ble Court deems fit to grant under the circumstances of the case.

2. The learned counsel for the petitioner submits that the grievance of the petitioner has already been projected by way of Ext.P9, which is pending consideration before the second respondent and that the petitioner will be satisfied, if a direction is given to the said respondent to consider and pass appropriate orders thereon within a reasonable time.

3. Heard the learned Government Pleader as well as the learned counsel appearing for the respondents 3 to 5.

4. After hearing both the sides and considering the limited extent of relief sought for, this Court does not find it necessary to go into the merits of the case. The Writ Petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext. P9, in accordance with law; after hearing the petitioner, respondents 3 to 5 and other interested parties, if any, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd