

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 22896 of 2015 (J)

PETITIONER(S) :

1. SUHARA K.,
D/O. K.MUHAMMED HAJI, AGED 57
RESIDING AT KALLANGODAN HOUSE
KALPETTA POST, WAYANAD-673 121.
2. SULEKHA K.,
D/O. K.MUHAMMED HAJI, AGED 55
IN -DO- -DO-
3. NAFEESA K.,
D/O. K.MUHAMMED HAJI, AGED 53
IN -DO- -DO-
4. ABDUL SAMMAD
S/O. K.MUHAMMED HAJI, AGED 50
IN -DO- -DO-
5. RAMLA K.,
D/O. K.MUHAMMED HAJI, AGED 53
IN -DO- -DO-

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SRI.S.NITHIN (ANCHAL)

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT
THIRUVANANTHAPURAM-695 001.
2. THE COMMISSIONER OF LAND REVENUE
THIRUVANANTHAPURAM-695 001.

3. THE DISTRICT COLLECTOR
WAYANAD-673 121.

4. TAHSILDAR
VYTHIRI TALUK, KALPETTA P.O.,
WAYANAD DISTRICT-673 121.

R1 TO R4 BY GOVT. PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...3/-

WP(C).No. 22896 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 :** A COPY OF THE FORM OF CERTIFICATE OF REGISTRATION OF THE REGISTERED OWNER BEARING R.C.NO.1067/58 DTD.14.6.1967.
- EXT. P2 :** A COPY OF THE PROCEEDINGS OF THE TAHSILDAR, VYTHIRI TALUK, BEARING NO.PT B5/4571/73-74, DTD.14.10.1985.
- EXT. P3 :** A COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE ASST. OF MUTTIL VILLAGE DTD.29.1.1971.
- EXT. P4 :** A COPY OF THE GOVT.ORDER BEARING NO.GO(MS)626/98/REV.TVM, DTD.19.2.1998.
- EXT. P5 :** A COPY OF THE PETITION SUBMITTED BY PETITIONER NO.1 SUHARA TO TAHSILDAR, VYTHIRI TALUK, WAYANAD DTD.3.11.1987.
- EXT. P6 :** A COPY OF THE PETITION SUBMITTED BY PETITIONERS TO TAHSILDAR, VYTHIRI TALUK, WAYANAD DTD.12.9.2011.
- EXT. P7 :** A COPY OF THE PETITION SUBMITTED BY PETITIONERS TO THE CHIEF MINISTER OF KERALA DTD.29.10.2011.
- EXT. P8 :** A COPY OF THE PETITION SUBMITTED BY PETITIONERS TO THE CHIEF MINISTER OF KERALA DTD.19.3.2015.
- EXT. P9 :** A COPY OF THE GOVT. ORDER BEARING NO.GO(MS)269/2012/REV. DTD.4.7.2012.
- EXT. P10:** A COPY OF THE LETTER FROM THE TAHSILDAR, VYTHIRI BEARING NO.G3-946/15(1) DTD.20.1.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P(C)No. 22896 of 2015

Dated this the 5th day of October, 2015

J U D G M E N T

Petitioner, aggrieved by the decision of the Tahsildar assigning land in Re.Survey No.1044/2,1044/4 of Muttal North Village by levying correct market value. According to the petitioner, this order of the Tahsildar is contrary to the order of the Government produced as Ext.P4.

2. This Court is of the view that the Tahsildar cannot vary Ext.P4 order if the same is still in force. Therefore, Ext.P10 is set aside and appropriate decision shall be taken by the Tahsildar in consonance with Ext.P4. Needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

MBS/

A.MUHAMED MUSTAQUE,
Judge

