

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 23332 of 2015 (N)

PETITIONER(S):

1. V.KRISHNAKUMAR, S/O.A.VAIKUNDA IYER,
NIRAYAKULAM VEEDU, SANKAR NAGAR,
KUNDANNOOR, ERNAKULAM DISTRICT.
2. R.V.MAHADEVAN,S/O.VENKITTA RAMAN,
RESIDING AT C.C.47/561-B,
VENKITTA HOUSE, TEMPLE ROAD, VANNIKKAVU,
NEAR CHINMAYA SCHOOL, VADUTHALA,
ERNAKULAM-682 023.
3. CHITHRA MAHADEVAN,
W/O.MAHADEVAN, RESIDING AT C.C.47/561-B,
VENKITTA HOUSE, TEMPLE ROAD, VANNIKKAVU,
NEAR CHINMAYA SCHOOL, VADUTHALA, ERNAKULAM-682 023.

**BY ADVS.SRI.S.VINOD BHAT
SRI.LEGITH T.KOTTAKKAL**

RESPONDENT(S):

1. THE VILLAGE OFFICER,
MARADU VILLAGE, MARADU, ERNAKULAM-682 304.
2. THE ADDITIONAL TAHSILDAR,
KANAYANNUR TALUK, TALUK OFFICE, ERNAKULAM-682 011.

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 23332 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- COPY OF SAKE DEED NO.5523/2005.
- P2- COPY OF BASIC TAX RECEIPT NO.4877141 DATED 22.5.2015 ISSUED BY THE 1ST RESPONDENT.
- P3- COPY OF BASIC TAX RECEIPT NO.4641362 DATED 27.4.2015 ISSUED BY THE 1ST RESPONDENT.
- P4- COPY OF BASIC TAX RECEIPT NO.4641363 DATED 27.4.2015 ISSUED BY THE 1ST RESPONDENT.
- P5- COPY OF THE JUDGMENT DATED 10.12.2014 IN W.P.[C].NO.26357/2014 OF THE HIGH COURT OF KERALA.
- P6- COPY OF THE LICENCE DEED NO.35/2015 DATED 25.11.2014.
- P7- COPY OF THE LICENCE DEED NO.34/2015 DATED 25.11.2014.
- P8- COPY OF THE REPLY NO.39/15(2) DATED 30.5.2015 ISSUED BY 1ST RESPONDENT TO THE 1ST PETITIONER.
- P9- COPY OF THE REPLY NO.39/15(2) DATED 30.5.2015 ISSUED BY 1ST RESPONDENT TO THE PETITIONERS 2 & 3.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.23332 of 2015 - N

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Dated this the 10th day of August, 2015

J U D G M E N T

The petitioners are aggrieved with the fact that despite mutation being effected of the subject properties and the tax also being paid as per Exts.P2, P3 and P4, Possession Certificate is not being issued. The petitioners along with one Sreedhara Narayana Swamy are title holders of 49 ½ cents of land comprised in Re-sy. No.132/7 in Maradu Village, Kanayannur Taluk vide registered deeds of sale Nos. 81/2004, 5115/2004, 1306/2005, 4496/2005, 6061/2005, 2803/2005, 5523/2005, 1443/2004, 1708/2004, 3181/2004 and 3019/2004 on the file of the SRO Maradu.

2. The objection seems to be, as is evidenced at Ext.P9 proceedings, a proceeding pending as SMP No.73/1990 against the vendor of the property. The issuance of a Possession

Certificate will not in any way affect the proceedings and the petitioners would have to subject the property to such proceedings, if eventually the property is found to be liable for surrender.

3. In such circumstance, the Possession Certificate and the location sketch shall be issued however with the endorsement of the above proceedings pending before the Land Tribunal, within a period of two months from the date of receipt of the certified copy of this judgment.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P.A to Judge.