

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 23882 of 2015 (I)

PETITIONER :

**NICHOLAS VARGHESE
S/O.VARKEY VARGHESE, OOMELIL HOUSE, KOKKAPPILLY P.O.,
THIRUVANKULAM (VIA), ERNAKULAM – 682305.**

**BY ADVS.SRI.P.VIJAYAKUMAR
SRI.BABY KURIAKOSE
SRI.C.R.REGHUNATHAN
SRI.M.V.ASHIM
SRI.R.BALAKRISHNAN
SRI.B.HARRYLAL**

RESPONDENT(S) :

**1. DISTRICT COLLECTOR,
CIVIL STATION, PAINAVU P.O.,
IDUKKI - 685603**

**2. TAHASILDAR
UDUMPANCHOLA,
IDUKKI DISTRICT – 685 554.**

**3. VILLAGE OFFICER
CHINNAKANAL P.O.,
IDUKKI DISTRICT – 685 618.**

R1 TO R3 BY SPL. GOVT. PLEADER SMT. SUSHEELA R. BHATT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1(a) : TRUE COPY OF THE APPLICATION DATED 29.03.1968 SUBMITTED BY SRI. K.K. RAMAKRISHNA PILLAI AS OBTAINED BY THE PETITIONER UNDER RTI ACT.
- EXT. P1(b): TRUE COPY OF THE REPORT OF VILLAGE OFFICER DULY VERIFIED BY REVENUE INSPECTOR.
- EXT. P1(c): TRUE COPY OF STATEMENT TAKEN BY REVENUE INSPECTOR, UDUMBANCHOLA, FROM THE ORIGINAL APPLICANT SRI. K.K.RAMAKRISHNA PILLAI, S/O.KARUNAKARAN PILLAI OBTAINED UNDER RIGHT TO INFORMATION ACT.
- EXT. P1(d): TRUE COPY OF THE TREASURY CHALAN RECEIPT TOWARDS PAYMENT OF LAND VALUE OF RS. 337.75/-
- EXT. P1(e): TRUE COPY OF CHALAN RECEIPT FOR PAYMENT OF BASIC TAX.
- EXT. P2: TRUE COPY OF THE FILE COPY OF PATTA DATED 24.05.1983 MAINTAINED AT THE OFFICE OF 2ND RESPONDENT AND ISSUED UNDER RIGHT TO INFORMATION ACT.
- EXT. P3: TRUE COPY OF THE REGISTERED SALE DEED NO. 1361/2005 OF SRO, RAJAKUMARI DATED 25.04.2005.
- EXT. P4(a): TRUE COPY OF THE DOCUMENT REGISTERED SALE DEED NO.2202/2007 OF SRO, RAJAKUMARI.
- EXT. P4(b): TRUE COPY OF THE DOCUMENT REGISTERED SALE DEED NO. 2206/2007 OF SRO, RAJAKUMARI.
- EXT. P5(a): TRUE COPY OF REPORT OF POSSESSION CERTIFICATE ISSUED BY VILLAGE OFFICER IN FAVOUR OF HIS ASSIGNOR SRI. SAJITH T. ANTONY.
- EXT. P5(b): TRUE COPY OF THE CERTIFICATE OF GENUINENESS.
- EXT. P5(c): TRUE COPY OF THE NOC ISSUED BY THE 2ND RESPONDENT.

(Contd...)

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EXT. P6: TRUE COPY OF THE INFORMATION DATED 09.04.2009 GIVEN FROM THE OFFICE OF TAHSILDAR, UDUMBANCHOLA UNDER RIGHT TO INFORMATION ACT EVIDENCING MUTATION OF PROPERTY.

EXT. P7: TRUE COPY OF THE JUDGMENT IN WPC.NO.12059/2009.

EXT. P8: TRUE COPY OF THE AFFIDAVIT SWORN TO BY K.K. RAMAKRISHNA PILLAI, S/O, KOCHUKUNHU PILLAI, OBTAINED BY THE PETITIONER UNDER RTI ACT.

EXT. P9: TRUE COPY OF THE REPRESENTATION DATED 26.02.2013

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.23882 of 2015  
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Dated this the 3rd Day of December, 2015

J U D G M E N T

The petitioner has approached this Court on account of the delay in issuing possession certificate and non acceptance of basic tax in respect of the property situated in a Resurvey No. 20/01 of Chinnakkanal Village, Idukki District.

2. The petitioner's predecessor-in-interest got the aforesaid property from one Mr.K.K. Ramakrishna Pillai. The title to the property is referred as L.A.23/68. The revenue officials doubted the genuineness of the LA *patta*. It appears that a criminal case has been registered alleging forgery. According to the petitioner, all the criminal cases have been dropped.

3. As the matter stands now, an enquiry is going on to find out whether the *patta* is bogus or genuine. In such situation, this Court is of the view that the proceedings relating to the genuineness of the *patta* shall be concluded within four months after hearing the petitioner and, based on the outcome of the enquiry, basic tax can be either accepted or refused.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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