

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 31733 of 2007 (C)

PETITIONER :

B.RAKESH
S/O. R. BALACHANDRAN
RESIDING AT KARNAKI NAGAR,
KOPPAM AMSOM, PALAKKAD.

BY ADVS.SRI. D. KRISHNA PRASAD
SRI.D.NARENDRA NATH
SRI.M.HARI SHARMA
SRI.T.PELDHOSE
SMT.O.K.SANTHA

RESPONDENT(S) :

1. THE TAHSILDAR,
PALAKKAD.
2. THE VILLAGE OFFICER
MARUTHAROAD VILLAGE OFFICE, PALAKKAD.
3. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.
4. KUMARI,
W.O. MADHAVAN
RESIDING AT THEKKUMURI,
KALLEPULLY AMSOM, PALAKKAD.

*ADDL. R5 & R6 IMPEADED

*ADDL.R5. P. VIJAYAKUMAR
S/O. LATE PAZHANIMALA
KURUPPATH HOUSE
KALLEPULLY POST
PALAKKAD DISTRICT.

***ADDL.R6. VELLAKUTTY
W/O. LATE BALASUBRAMANIAN
PARAKAL HOUSE
KUPPIYODE, PARA ELAPPULLY POST
PALAKKAD DISTRICT**

***ARE IMPEADED WITHOUT PREJUDICE TO THE RIGHT OF THE PETITIONER
IN WPC TO CONTRAVERT THE ALLEGATIONS IN THE AFFIDAVIT
ACCOMPANYING THE IA 6095/08 VIDE ORDER DT. 27.5.08.**

**R1 TO R3 BY GOVT. PLEADER SRI. MANOJ P. KUNJACHAN
ADDL.R5 & R6 BY ADVS. SRI.BINOY VASUDEVAN
SRI.R.MANIKANTAN
SMT.P.GBABITHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...3/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE SALE DEED DATED 22.12.1994 BEARING NO. 6689/1994 OF THE PALAKKAD SUB REGISTRY OFFICE, EXECUTED BY THE 4TH RESPONDENT IN FAVOUR OF THE PETITIONER.
- EXT.P2 COPY OF THE POSSESSION CERTIFICATE DATED 16.6.1998 BEARING NO. 984/1998 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE PETITIONER.
- EXT.P3 COPY OF THE BASIC TAX RECEIPT DATED 15.6.1998 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P4 COPY OF THE JUDGMENT IN OS NO. 283/1998 DATED 31.3.2004 ON THE FILE OF THE SUB COURT, PALAKKAD.
- EXT.P5 COPY OF THE ORDER DATED 28.11.2006 IN IA NO. 3029/2004 IN OS NO. 283/1998 ON THE FILE OF THE SUB COURT, PALAKKAD.
- EXT.P6 COPY OF THE APPLICATION DATED 5.2.07 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P7 COPY OF THE REPLY DATED 7.3.2007 BEARING NO. 1041/07 SENT BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P8 COPY OF THE APPLICATION DATED 14.8.2007 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P9 COPY OF THE LETTER DATED 14.8.2007 BEARING NO. 8915/07 ISSUED BY THE 2ND RESPONDENT.

(Contd...)

WP(C).No. 31733 of 2007 (C)

RESPONDENT'S ANNEXURES :

**ANNEXURE A : COPY OF THE JUDGMENT DATED 20.11.2001 PASSED IN
OS NO. 119/1994 ON THE FILE OF SUBORDINATE JUDGE'S COURT
AT PALAKKAD.**

**ANNEXURE B COPY OF THE FINAL DECREE DATED 28.2.2007 PASSED IN
IA NO. 1161/2004 IN OS NO. 119/1994 ON THE FILE OF SUBORDINATE
JUDGE'S COURT AT ERNAKULAM.**

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 31733 of 2007

=====

Dated this the 10th day of September, 2015

J U D G M E N T

The petitioner approached this Court challenging Exts.P7 and P9. By the above impugned orders, the petitioner's request for issuance of possession certificate has been declined for the reason that suit in respect of the property is pending as O.S No.119/1994.

2. In that view of the matter, with liberty to the petitioner to seek any appropriate relief based on the outcome of the civil suit this writ petition is disposed of. It is made clear that the revenue officials are bound by the decree of the civil court in considering any request of the petitioner for issuance of possession certificate.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE