

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 24936 of 2015 (N)

PETITIONER:

A.MAHATMAN
S/O. AYYAPPAN, PANIKKAVEETIL HOUSE, CHEMPU P.O.
VAIKOM, KOTTAYAM DISTRICT.

BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI

RESPONDENT:

CHEMPU GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, BRAHMAMANGALAM P.O.
KOTTAYAM DISTRICT, PIN-686605.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE PATTA ISSUED IN FAVOUR OF THE PETITIONER BY THE TAHSILDAR, VAIKOM TALUK.

EXHIBIT P2- TRUE COPY OF THE LAND TAX RECEIPT ISSUED IN FAVOUR OF THE PETITIONER FOR THE YEAR 1968 BY THE VILLAGE OFFICER, CHEMPU VILLAGE.

EXHIBIT P3- TRUE COPY OF THE LAND TAX RECEIPT ISSUED IN FAVOUR OF THE PETITIONER FOR THE YEAR 1976 BY THE VILLAGE OFFICER, CHEMPU VILLAGE.

EXHIBIT P3(A)- TRUE COPY OF THE LAND TAX RECEIPT ISSUED IN FAVOUR OF THE PETITIONER FOR THE YEAR 1983 BY THE VILLAGE OFFICER, CHEMPU VILLAGE.

EXHIBIT P3(B)- TRUE COPY OF THE LAND TAX RECEIPT ISSUED IN FAVOUR OF THE PETITIONER FOR THE YEAR 1990 BY THE VILLAGE OFFICER, CHEMPU VILLAGE.

EXHIBIT P3(C)- TRUE COPY OF THE LAND TAX RECEIPT ISSUED IN FAVOUR OF THE PETITIONER FORE THE YEAR 2008 BY THE VILLAGE OFFICER, CHEMPU VILLAGE.

EXHIBIT P3(D)- TRUE COPY OF THE LAND TAX RECEIPT ISSUED IN FAVOUR OF THE PETITIONER FORE THE YEAR 2012 BY THE VILLAGE OFFICER, CHEMPU VILLAGE.

EXHIBIT P4- TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR, VAIKOM, DATED 23-11-1992.

EXHIBIT P4(A)- TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR, VAIKOM, DATED 30-07-1999.

EXHIBIT P4(B)- TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR, VAIKOM, DATED 3-1-2003.

EXHIBIT P4(C)- TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR, VAIKOM, DATED 4-7-2005.

EXHIBIT P4(D)- TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR, VAIKOM, DATED 19-5-2011.

EXHIBIT P5- TRUE COPY OF THE MAHAZAR DATED 31-10-2012.

EXHIBIT P6- TRUE COPY OF THE APPLICATION DATED 1-2-2013 SUBMITTED BY THE PETITIONER BFORE THE RESPONDENT.

EXHIBIT P7- TRUE COPY OF THE APPLICATION DATED 27-3-2015 SUBMITTED BY THE PETITIONER BEFORE THE PUBLIC INFORMATION OFFICER OF THE RESPONDENT.

EXHIBIT P7(A)- TRUE COPY OF THE INFORMATION GIVEN BY THE PUBLIC INFORMATION OFFICER OF THE RESPONDENT DATED 28-4-2015.

EXHIBIT P8- TRUE COPY OF THE COMMUNICATION GIVEN BY THE RESPONDENT DATED 29-6-2015.

RESPONDENT(S) ' EXHIBITS: NIL

TRUE COPY

SCL.

PA TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.24936 of 2015

Dated this the 18th day of August, 2015.

JUDGMENT

The petitioner is aggrieved by the inaction on the part of the respondent in renewing the Kuthakapattom in respect of the property which according to the petitioner is being held since 1968.

2. The petitioner is an ex-serviceman, who retired from the service of the Indian Army Forces on 11.3.1971. The petitioner was issued with Kuthakapattom by the State in the year 1968 as per file No.K.P.6/84-85 with respect to 1 acre 37 cents of land falling in Sy.No.282/1A of Chempu Village, Vaikom Taluk, Kottayam District. The petitioner alleges that for the last four decades till 2012, he had been in possession of the said property and had been remitting tax for the same as evident from Exts. P2, P2(a), and P3 to P3(d). The petitioner further alleges that he had also effected cultivation in the property. After 2012, when the petitioner applied for

renewal of the Kuthakapattom, he was not issued with any communication. Later on enquiry with the Tahasildar, Vaikom, the petitioner came to know that the property had been transferred in the name of respondent panchayath as per G.O. (Ms) 174/2011 dated 2.5.2011. So the petitioner submitted Ext.P6 application on 1.2.2013 with the respondent for issue of Kuthakapattom. However, to the surprise of the petitioner, Ext.P6 application is not acted upon and the respondent is pleading ignorance as to the transfer of land in their name. Later, when the petitioner again enquired by applying under the Right to Information Act, Ext.P8 reply was issued stating that the respondent had started giving Kuthakapattom to several persons as per the decision of the panchayath committee. However, till this date, petitioner's application is not considered. No reply also was given. As evident from Exts.P4 to P4(d), the petitioner was issued with the Kuthakapattom with respect to 1 acre 37 cents of land falling in Sy.No.282/1A of Chempu Village, uninterruptedly for

the last 40 years. Hence the petitioner is entitled to get the Kuthakapattaom renewed for the future years also.

3. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to dispose of Ext.P6 application within a time frame, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondent.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P6 application, within a period of two weeks from the date of receipt of a copy of this judgment, after affording the petitioner an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.