

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 26611 of 2015 (B)

PETITIONER :

**HASEENA
AGED 28 YEARS
W/O. SHAJAHAN,
PALLIPARAMBIL HOUSE,
AGALI P.O., PALAKKAD
PIN - 678 581.**

**BY ADVS.SRI.P.N.SANTHOSH
SMT.K.P.GEETHA MANI
SRI.P.N.APPUKUTTAN
SMT.ASWATHI APPUKUTTAN**

RESPONDENT(S) :

**1. THE REVENUE DIVISIONAL OFFICER
OTTAPALAM, OFFICE OF THE REVENUE DIVISIONAL OFFICE
OTTAPALAM, PALAKKAD, PIN - 679 101.**

**2. THE VILLAGE OFFICER,
AGALI VILLAGE OFFICE, AGALI P.O.,
PALAKKAD, PIN - 678 581.**

R1 & R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 26611 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1 A TRUE COPY OF THE DOCUEMNT NO. 238/1/12 DATED 21-2-2012 OF
 AGALI S.R.O. EXECUTED IN FAVOUR OF THE PETITIONER.**

**EXHIBIT P-2 A TRUE COPY OF THE JUDGMENT DATED 29-08-2011 IN W.P(C)
 NO. 23239/2011 OF THIS HON'BLE COURT.**

**EXHIBIT P-3 A TRUE COPY OF THE PROCEEDINGS DATED 28-12-2010 IN
 TLA 1588/87 OF THE REVENUE DIVISIONAL OFFICER, OTTAPALAM.**

**EXHIBIT P-4 A TRUE COPY OF THE JUDGMENT DATED 3-4-2012 IN W.P(C)
 NO. 7285/2012 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26611 of 2015

Dated this the 4th day of September, 2015

JUDGMENT

The petitioner has approached this Court on account of non-acceptance of basic tax in respect of the property covered by Ext.P1.

2. The petitioner submits that it is on account of the fact that respondents are of the view that the property is originally belonged to the scheduled tribe and it cannot be transferred in the light of the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999.

This Court is of the view that acceptance of basic tax and possession certificate will not preclude any authority from proceeding under the above Act, if the same is available to invoke and if so warranted. Therefore, without prejudice to the above, needful shall be done by the second respondent within a period of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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