

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. 26645 of 2015 (E)

PETITIONER :

**V.V.THOMAS, AGED 67 YEARS,
S/O.LATE VARGHESE, VETTUSSERI HOUSE,
VADUTHALA DESOM, VADUTHALA.P.O., KOCHI-682 023**

BY ADV. SRI.P.GEORGE WILLIAM

RESPONDENT(S):

- 1. ADDITIONAL TAHSILDAR,
TALUK OFFICE, KANAYANNOOR, ERNAKULAM-682 030**
- 2. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 3. T.A.MATHEW @ IMMANUEL JAMES MATHEW,
THALIYANEZHATH HOUSE, THRIKKANARVATTOM DESOM,
ERNAKULAM.**

R1 & R2 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE KANAM SETTLEMENT IN O.A.NO.163/78.
- P2: TRUE COPY OF THE STATEMENT SHOWING DETAILS OF AMOUNT OF KANAM IN O.A.NO.163/78.
- P3: TRUE COPY OF THE RECEIPT DATED 12.04.1988 SHOWING PAYMENT OF KANAM COMPENSATION IN O.A.NO.163/78.
- P4: TRUE COPY OF THE DOCUMENT NO.1916/1990 OF ERNAKULAM SRO.
- P5: TRUE COPY OF THE DOCUMENT NO.1919/1990 OF ERNAKULAM SRO.
- P6: TRUE COPY OF THE LAND TAX RECEIPT DATED 18.06.1990.
- P6(A): TRUE COPY OF THE LAND TAX RECEIPT DATED 15.05.1991.
- P6(B): TRUE COPY OF THE LAND TAX RECEIPT DATED 06.04.1992.
- P6(C): TRUE COPY OF THE LAND TAX RECEIPT DATED 04.05.1994.
- P7: TRUE COPY OF THE LAND TAX RECEIPT DATED 28.09.1996.
- P7(A): TRUE COPY OF THE LAND TAX RECEIPT DATED 26.05.2015.
- P8: TRUE COPY OF THE APPLICATION DATED 10.02.2003 SUBMITTED BY THE PETITIONER BEFORE THE TALUK SURVEYOR.
- P8(A): TRUE COPY OF THE APPLICATION DATED 10.02.2003 SUBMITTED BY THE WIFE OF PETITIONER BEFORE THE TALUK SURVEYOR.
- P9: TRUE COPY OF THE NOTICE GIVEN BY THE TALUK SURVEYOR TO THE NEIGHBOURHOOD PERSONS OF THE PROPERTY OF THE PETITIONER.
- P10: TRUE COPY OF SURVEY SKETCH IN RESPECT OF FILED NO.878 OF CHERANELLOOR VILLAGE.
- P11: TRUE COPY OF THE COMPLAINT PETITION DATED 17.11.2014 SUBMITTED BY THE PETITIONER TO THE TOWN NORTH POLICE STATION.
- P12: TRUE COPY OF THE REPRESENTATION DATED 02.05.2015 SENT TO THE TAHSILDAR.
- P12(A): TRUE COPY OF THE REPRESENTATION DATED 02.05.2015 SENT TO THE TALUK SURVEYOR.

P12(B):TRUE COPY OF THE REPRESENTATION DATED 02.05.2015 SENT TO THE SUPERINTENDENT OF SURVEY AND LAND RECORDS.

P13: TRUE COPY OF THE POSSESSION CERTIFICATE OF THE PROPERTY OF THE PETITIONER.

P14: TRUE COPY OF THE LOCATION SKETCH OF THE PROPERTY OF THE PETITIONER.

P15: TRUE COPY OF THE COMPLAINT DATED 18.07.2015 TO THE CITY POLICE COMMISSIONER, ERNAKULAM.

P16: TRUE COPY OF THE COMPLAINT DATED 19.07.2015 TO THE TOWN NORTH POLICE STATION.

P16(A):TRUE COPY OF THE COMPLAINT DATED 20.07.2015 TO THE TOWN NORTH POLICE STATION.

P17: TRUE COPY OF THE PLAINT IN O.S.NO.913/2015 ON THE FILE OF THE HON'BLE MUNSIFF COURT, ERNAKULAM.

P18: TRUE COPY OF THE ORDER DATED 23.07.2015 IN I.A.NO.5573/2015 IN O.S.NO.913/2015 OF THE HON'BLE MUNSIFF COURT, ERNAKULAM.

P19: TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 15.12.2014 FOR THE PERIOD 01.01.1990 TO 11.12.2014.

P19(A):TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 24.02.2015 FOR THE PERIOD FROM 01.01.2000 TO 21.02.2015.

P20: TRUE COPY OF THE NOTICE DATED 07.07.2015 ISSUED BY THE 1ST RESPONDENT.

P21: TRUE COPY OF THE REPLY DATED 24.07.2015 SUBMITTED BY THE PETITIONER TO EXT.P20.

P22: TRUE COPY OF THE NOTICE DATED 25.08.2015 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

WP.(C) No.26645 of 2015

Dated this the 4th day of September, 2015

JUDGMENT

The petitioner, aggrieved by Exts.P20 and P22 notices issued by the first respondent, has approached this Court. According to the petitioner, the subject matter of the enquiry being initiated by the Additional Tahsildar is the subject of the civil suit between the petitioner and party respondents. Ext.P17 is the copy of the plaint in O.S.No.913/2015 on the file of the Munsiff's Court, Ernakulam and Ext.P18 is the interim order passed in I.A.No.5573/2015 in O.S.No.913/2015 by the Munsiff's Court, Ernakulam.

In that view of the matter, there shall be a direction to the first respondent to advert Exts.P17 and P18 while conducting the enquiry and to finalise the same after hearing the petitioner as well as the party respondents. Needless to say that the first respondent shall, necessarily, advert to the above suit and interim order while taking decision.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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