

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 27734 of 2015 (N)

PETITIONER:

**KAKKANTE ASHOKAN,
S/O.KORAN, ERAMAM AMSOM DESOM,
PULLUPARA P.O., ERAMAM,
THALIPARAMBA TALUK, KANNUR DT.**

BY ADV. SRI.T.PRAVEEN

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
ERAMAM VILLAGE, ERAMAM,
P.O.MATHAMANGALAM-670306,
KANNUR DT.**
- 2. THE TAHSILDAR,
TALIPARAMBA-670141, KANNUR DT.**
- 3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF REVENUE,
SECRETARIAT, TRIVANDRUM-695001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 27734 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT-P1: TRUE COPY OF THE SETTLEMENT DEED NO.1298/1986 EXECUTED BY THE MOTHER OF THE PETITIONER.**
- EXHIBIT-P2: TRUE COPY OF THE PURCHASE CERTIFICATE NO.18910/1977.**
- EXHIBIT-P3: TRUE COPY OF THE JUDGMENT IN WP.25782/2008 DATED 30.10.2008 OF THIS HON'BLE COURT.**
- EXHIBIT-P4: TRUE COPY OF THE LETTER DATED 20.12.2008.**
- EXHIBIT-P5: TRUE COPY OF THE LAND TAX RECEIPT DATED 16.6.2015.**
- EXHIBIT-P6: TRUE PHOTOGRAPH OF THE COMPLETED HOUSE OF THE PETITIONER.**
- EXHIBIT-P7: TRUE COPY OF THE PRINT OUT OF THE APPLICATION DATED 25.7.2015.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27734 of 2015

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner claims to be the owner and in possession of landed property referred in Ext.P1 settlement deed. The petitioner traced out jenmum right based on Ext.P2 purchase certificate. The petitioner approached this Court on account of non issuance of possession certificate to the petitioner.

2. The learned Government Pleader on instructions submits that the petitioner has to obtain either exemption certificate from land board showing that this land is not included in ceiling proceedings or else it shall cause the Taluk Surveyor to determine the land based on survey records to find out whether this land is not included in the ceiling proceedings taken over by the Government as excess land

3. This Court is of the view that if the petitioner is in possession of the land in question, possession certificate shall be issued to the petitioner, as the petitioner relied on Exts.P1 and P2

established his title. If the land in question is forming part of any ceiling proceedings, this Court is of the view that the authorities are free to proceed against the property in accordance with the proceedings under the Land Reforms Act. Therefore without prejudice to such remedy being exercised by the authority, possession certificate shall be issued to the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE