

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C) .No. 29011 of 2015 (B)

PETITIONER(S) :

NARAYANI K.
AGED 62 YEARS, D/O. LATE K.K KORAN,
KARAKKAKUND, HARIPURAM P.O.,
ANANDASRAM (VIA), PULLUR VILLAGE, HOSDURG TALUK.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
KASARAGOD - 670 001.
2. THE TAHSILDAR,
HOSDURG, MINI CIVIL STATION, KANHANGAD - 671 315.
3. THE VILLAGE OFFICER,
PULLUR, HARIPURAM P.O., PULLUR,
HOSDURG TALUK- 671 316

BY GOVERNMENT PLEADER SMT.C.K.SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1 A TRUE COPY OF THE PROVISIONAL PATTA ISSUED IN FAVOUR OF THE
FATHER OF THE PETITIONER.

EXHIBIT P2 A TRUE COPY OF THE APPLICATION SUBMITTED BY THE FATHER OF THE
PETITIONER.

EXHIBIT P3 A TRUE COPY OF THE PARTITION DEED.

EXHIBIT P4 A TRUE COPY OF THE PHOTOGRAPH.

EXHIBIT P4 (A) A TRUE COPY OF THE PHOTOGRAPH.

EXHIBIT P5 A TRUE COPY OF THE COMMUNICATION DATED 23-09-2002 ISSUED BY THE
1ST RESPONDENT.

EXHIBIT P6 A TRUE COPY OF THE COMMUNICATION DATED 01-04-2015 ISSUED BY THE
2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 29011 of 2015

Dated this the 8th day of October, 2015

J U D G M E N T

Petitioner approached this Court challenging Ext.P6 order of the Tahsildar, Hosdurg. Her father, by name K.K.Koran was assigned with landed property having an extent of 4 acres in R.S.No.294/1B2 in Pullur Village. According to the petitioner, original patta was issued to her father and he was paying tax from 1964 onwards. According to her, the father of the petitioner died in the meantime and in the year 1991, the above said property was partitioned among his wife and children, as per Ext.P3 partition deed. However, as seen from Ext.P6, the Tahsildar, Hosdurg has issued a communication directing the petitioner's mother Smt.Chirutha to surrender the patta issued in favour of deceased Koran, petitioner's father and to apply for fresh patta in respect of the land, which is in actual possession of the legal heirs of the deceased Koran.

2. According to the petitioner, it is on account of mistake in the survey number shown in the patta, this order happened to be passed. The petitioner, therefore, seeks a direction to respondents to make necessary correction in the patta issued in favour of deceased Koran.

3. This Court is of the view that if there is no impediment in assigning the land in favour of the legal heirs of deceased Koran and the land in question actually has been conveyed in favour of them by patta and it was only a mistake in noting the survey number in the patta, the same has to be corrected. Therefore, the identity of the property referred to in the patta has to be found out. If the identity of the property as recorded in Ext.P1 is the same, necessary correction shall be carried out. If the identity of the property is different, necessary action shall be taken by the Tahsildar to grant patta in respect of the land in possession of the legal heirs of deceased Koran. Till a decision is taken by the Tahsildar, status quo ordered by this Court shall be maintained. Needful shall be done within a period of

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three months from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,

Judge

MBS/

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