

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 30852 of 2014 (F)

PETITIONER(S) :

1. **THANKA, D/O KELAPPAN, AGED 63 YEARS,
PARAKKUNNATH PAKKATH PARAMBIL HOUSE,
THRIKANAPURAM, THAVANOOR, MALAPPURAM DISTRICT.**
2. **ACHUTHAN, S/O.PAYANGA,AGED 62 YEARS,
PARAKKUNNATH PAKKATH PARAMBIL HOUSE,
THRIKANAPURAM, THAVANOOR, MALAPPURAM DISTRICT.**
3. **VALSALA, D/O.CHENNAN, AGED 65 YEARS,
PARAKKUNNATH PAKKATH PARAMBIL HOUSE,
THRIKANAPURAM, THAVANOOR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.N.M.MADHU
SMT.C.S.RAJANI**

RESPONDENT(S)/RESPONDENTS:

1. **THE TAHSILDAR, PONNANI TALUK,
PONNANI.P.O.,MALAPPURAM DISTRICT-679 577**
2. **THE VILLAGE OFFICER, THAVANOOR VILLAGE,
THAVANOOR, MALAPPURAM DISTRICT-676 505**

***ADDL.R3 IMPEADED**

***R3: CHEMBAN, AGED 71 YEARS,
S/O. KANTANAKATH PARAMBIL KAPPA,
RESIDING AT KANTANAKATH PARAMBIL HOUSE,
TRIKKANAPURAM AMSOM DESOM, PONNANI TALUK,
MALAPPURAM DISTRICT.**

***ADDL.R3 IS IMPEADED AS PER ORDER DATED 8/1/2015 IN IA.NO.17584/2014.**

**R1 & R2 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT
ADDL.R3 BY ADV. SRI.JAMSHEED HAFIZ**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

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**EXT.P1 COPY OF THE PURCHASE CERTIFICATE NO.370/1980 DATED 07.05.1980
ISSUED BY THE SUO MOTO PROCEEDINGS NO.192/1979 OF PONNANI
LAND TRIBUNAL**

EXT.P2 COPY OF THE APPLICATION DATED 15.10.2014 SUBMITTED BY THE PETITIONERS BEFORE THE FIRST RESPONDENT

EXT.P3 COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING THE RECEIPT OF THE EXT.P2 APPLICATION BY THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 30852 of 2014

Dated this the 8th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

“i. To issue a writ of mandamus or any other appropriate writ order or direction commanding the respondents to accept the basic tax in respect of the property covered by Ext.P1 from the petitioners at the earliest.

ii. To issue a writ of mandamus or any other appropriate writ order or direction commanding the first respondent to decide Ext.P2 at the earliest.”

2. The learned counsel for the additional 3rd respondent points out that, the petitioners are not the exclusive owners of the property and that the property is owned by the additional 3rd respondent, also paying tax. This is rebutted by the learned counsel for the petitioners stating that the petitioners are ready to establish the facts and figures before the 1st respondent, before whom Ext.P2 application for effecting mutation is pending. Reliance is also sought to be placed on Ext.P1 Certificate issued in suo moto proceedings bearing No. 192/1979 of the Ponnani Land Tribunal.

3. After hearing both the sides including the learned Government Pleader, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P2 in accordance with law and also in the light of all the relevant records to be produced by both the sides, after giving an opportunity of hearing to the petitioners, the additional 3rd respondent and other interested parties, if any. The said exercise shall be completed at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the first respondent further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**