

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 31461 of 2015 (G)

PETITIONERS:-:

- 1. RAMASWAMY GOUNDER, AGED 63 YEARS
S/O.MARAPPA GOUNDER, KOZHIPATHY VILLAGE,
MOONGILMADA P.O., CHITTUR TALUK, PALAKKAD DISTRICT.**
- 2. K.KANTHASWAMY,
S/O.KALIYAPPAN GOUNDER, KOZHIPATHY VILLAGE,
VANNAMADA P.O., CHITTUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE TALUK LAND BOARD,
CHITTUR, REPRESENTED BY ITS CHAIRMAN, PIN - 678 101.**
- 3. THE DISTRICT COLLECTOR,
PALAKKAD - 678 001.**
- 4. THE TAHSILDAR, CHITTUR - 678 101.**
- 5. THE VILLAGE OFFICER,
KOZHIPATHY VILLAGE, CHITTUR TALUK - 678 101.**

BY SPECIAL GOVERNMENT PLEADER SMT.SUSHEELA BHATT

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF ORDER DATED 19.03.2010 PASSED BY THE TALUK LAND BOARD, CHITTUR IN CC NO.1088/1973.**
- EXHIBIT P2. TRUE COPY OF THE JUDGMENT DATED 29.08.2014 IN CRP NO.202/2010 OF THIS HON'BLE COURT.**
- EXHIBIT P3. TRUE COPY OF THE APPLICATION DATED 29.11.2014 FILED BEFORE THE TASHSILDAR, CHITTUR BY THE 1ST PETITIONER.**
- EXHIBIT P4. TRUE COPY OF THE APPLICATION DATED 29.11.2014 FILED BEFORE THE TAHSILDAR, CHITTUR BY THE 2ND PETITIONER.**
- EXHIBIT P5. TRUE COPY OF THE JUDGMENT DATED 13.03.2015 IN W.P.(C) NO.8106/2015 OF THIS HON'BLE COURT.**
- EXHIBIT P6. TRUE COPY OF REPLY DATED 06.03.2015 ISSUED TO THE 1ST PETITIONER BY THE ADDL. TAHSILDAR.**
- EXHIBIT P7. TRUE COPY OF REPLY DATED 06.03.2015 ISSUED TO THE 2ND PETITIONER BY THE ADDL. TAHSILDAR.**
- EXHIBIT P8. TRUE COPY OF THE JUDGMENT DATE 24.07.2015 IN RP NO.525/2015 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.31461/2015**

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Dated this the 3rd Day of December, 2015

J U D G M E N T

The petitioner, claiming the benefit of Section 7E of the Kerala Land Reforms Act has approached the Taluk Land Board. The Taluk Land Board rejected the petitioner's claim. Thereafter, the petitioner had approached this Court in revision. This Court allowed revision by Exhibit P2. The petitioner has approached this Court with the present writ petition on account of the inaction on the part of the respondents to receive land tax and issue possession certificate in respect of the above land.

2. The learned Special Government Pleader submits that they have already prepared a Special Leave Petition before the Honourable Supreme Court challenging the judgment of this Court in the above revision. Therefore, the petitioner's request cannot be accepted.

3. This Court is of the view that if the State is unable to obtain any order from the Honourable Supreme Court within three months, the land tax shall be accepted from the petitioner in respect of the land referred in the order of the Taluk Land Board and the revision before this Court and

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-:2:-

also issue possession certificate which will be subject to the outcome of any such Special Leave Petition.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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