

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 33103 of 2014 (K)

PETITIONER :

**M.V. SAYED MUHAMMED, AGED 74 YEARS,
S/O.MUHAMMED KUNJU RAWTHER,
RESIDING AT MINI COTTAGE, T.P.PURAM PO, VAZHOOR,
KOTTAYAM DISTRICT**

**BY ADVS.SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD**

RESPONDENTS :

- 1. DISTRICT COLLECTOR,
KOTTAYAM , PIN 686 001**
- 2. THE TAHSILDAR
CHANGANACHERRY TALUK, KOTTRAYAM DISTRICT, PIN 686 102.**
- 3. THE VILLAGE OFFICER
VAZHOOR VILLAGE, KOTTAYAM DISTRICT, PIN 686 504.**

BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 33103 of 2014 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE LAND TAX RECEIPT DATED 8/8/2012.

EXHIBIT P2: COPY OF THE LAND TAX RECEIPT DATED 6/7/1952.

**EXHIBIT P3: COPY OF THE APPLICATION DATED 28/8/2014 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.33103 of 2014

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Dated this the 14th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:-

“i) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction to the 2nd respondent to assign the property covered as per Exhibit P2 having an extent of 20 cents in Re-survey Nos.183,184 and 185 of Block No.25 of Vazhoor Village, Changanacherry Taluk to the petitioner for the purpose of the personal cultivation forthwith.

ii) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction , directing the 2nd respondent to consider and dispose of Exhibit P3 application as early as possible after affording and opportunity of being heard.”

2. The learned counsel for the petitioner points out that there was callous delay on the part of the 2nd respondent in considering Ext.P3 application which was preferred by the petitioner 4 months back.

3. The learned Government Pleader points out that a report has to be obtained from the concerned Grama Panchayat and thereafter the matter will be considered and finalised within

the shortest possible time, at any rate, within a period of three months.

4. In such circumstances, the 2nd respondent is directed to call for a report from the concerned Grama Panchayat as to the factual position and if any no objection certificate is obtained, further steps shall be taken and pass appropriate orders on Ext.P3 application, in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate within a period of three months from the date of receipt of a copy of the judgment.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

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

sj