

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 33040 of 2015 (D)

PETITIONER:

**MR.MOHAMMED, S/O. LATE HASSAINAR,
KODIVALAPP HOUSE, POOTHAPALAM POST,
BELLUR, VIA MULLERIA,
KASARAGOD DIST, PIN-671543.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT(S):

- 1. THE TAHSILDAR, HEADQUARTERS,
TALUK OFFICE, KASARAGOD-671543.**
- 2. THE VILLAGE OFFICER,
DELAMPADY VILLAGE, POST DELAMPADY,
KASARAGOD DIST, PIN-671543.**
- 3. THE SUB REGISTRAR,
SUB REGISTRAR OFFICE,
BADIADKA-671543.**
- 4. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM-695001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 33040 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1- THE PHOTOSTAT COPY OF THE ORDER OF ASSIGNMENT ON
REGISTRY.**
- EXHIBIT P2- THE PHOTOSTAT COPY OF THE RELEASE DEED DATED 30-8-1994.**
- EXHIBIT P3- THE PHOTOSTAT COPY OF THE SALE DEED DATED 9-12-1997.**
- EXHIBIT P4- THE PHOTOSTAT COPY OF THE BASIC TAX PAID BY THE PETITIONER
TILL 2014.**
- EXHIBIT P5- THE PHOTOSTAT COPY OF THE RELEASE DEED DATED 2-7-2004.**
- EXHIBIT P6- THE PHOTOSTAT COPY OF THE INFORMATION GIVEN BY THE
1ST RESPONDENT.**

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

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.33040/2015**

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Dated this the 22nd Day of December, 2015

J U D G M E N T

The petitioner claims title to the land comprised in Survey Nos.44/1D, 40/1G and 44/9 of Delampadi Village in Kasargode Taluk. The petitioner purchased this property as per document No.3582/97 of S.R.O., Badiadka. He has approached this Court on account of the refusal to accept basic tax in respect of the aforesaid property. Ext.P6 is the information received by the petitioner under the Right to Information Act in that regard.

2. It is seen from Ext.P6 that the Revenue Officials refused to accept basic tax in respect of the property comprised in Survey No.45/10 having an extent of 0.59 cents, stating that it was assigned to one Choma.

3. It is seen from Ext.P1 that there was an assignment order in favour of Choma. It appears that the said Choma did not obtain purchase certificate and the property was thereafter, sold to the petitioner's assignor by the legal heirs of Choma.

4. In the above circumstances, if there is no other impediment, the petitioner shall be assigned the above land by the authorities after issuing purchase certificate. This shall be done after issuing notice to the legal heirs of Choma. If there is no other issues, the Tahsildar shall accept basic tax from the petitioner in respect of the other land referred above. Needful shall be done by the Tahsildar within three months in the light of the discussions as above.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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