

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. 33852 of 2015 (F)

PETITIONER(S):

REGHU @ REGHUNATHAN AGED 68 YEARS
S/O.VELAYUDHAN, BUSINESS, RESIDING AT THEKKUMTHALA
AZAD ROAD, KALOOR, KOCHI-682 017

BY ADVS.SRI.N.C.JOSEPH
SRI.K.ANTONY JOSEPH

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT
GOVT. SECRETARIATE, THIRUVANANTHAPURAM
2. THE DISTRICT COLLECTOR,
ALLEPPEY DISTRICT, COLLECTORATE, ALAPPUZHA
3. ADDITIONAL TAHSILDAR,
KARTHIKAPPALLY TALUK
4. SURVEY SUPERINTENDANT,
SUPERINTENDENT OF SURVEY AND LAND RECORDS
RE-SURVEY (ALC) HARIPAD, PIN-690 514
5. THE VILLAGE OFFICER,
ARATTUPUZHA VILLAGE, ALAPPUZHA DISTRICT

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXT.P-1: TRUE PHOTOCOPY OF DOCUMENT NO.5/1990 OF S.R.O KEERIKAD
- EXT.P-2: TRUE PHOTOCOPY OF LAND ASSIGNMENT PATTA NO.6515
OBTAINED BY DEVAKI FROM SPL. TAHSILDAR (LA)
KARTHIKAPPALLY TALUK
- EXT.P-2 (A) TRUE CPHOTOCOPY OF LAND ASSIGNMENT PATTA NO.7364 OBTAINED
BY DEVAKI FROM SPL. TAHSILDAR, (LA) KARTHIKAPPALLY TALUK
- EXT.P-3: TRUE PHOTOCOPY OF TAX RECEIPT DATED 23.1.77 ISSUED FROM
ARATTUPUZHA VILLAGE OFFICE TO SMT.DEVAKI, THE VENDOR OF
THE PETIITONER
- EXT.P-4: TRUE PHOTOCOPY OF ORDER DATED 5.5.2014 PASSED BY KERALA
STATE HUMAN RIGHTS COMMISSION IN H.R.M.P.NO.8797/2013
- EXT.P-5: TRUE PHOTOCOPY OF COMMUNICATION LETTER HRMP
NO.8797/13/ALPY DATED 30.5.2014 OF KERALA STATE HUMAN
RIGHTS COMMISSION
- EXT.P-6: TRUE PHOTOCOPY OF COMMUNICATION LETTER NO.K.3/5487/2015
DATED 5.5.2015 ISSUED BY 2ND RESPONDENT TO R.D.O
CHENGANNUR
- EXT.P-7: TRUE COPY OF DIRECTION/OFFICIAL MEMORANDUM DATED
11.09.2015 ISSUED BY KARTHIKAPPALLY TALUK LEGAL SERVICES
COMMITTEE TO THE R.D.O CHENGANNUR AND ADDL. TAHSILDAR,
KARTHIKAPPALLY.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

A.MUHAMED MUSTAQUE, J.

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W.P(C)No.33852 of 2015

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Dated this the 3rd day of December, 2015

JUDGMENT

Petitioner purchased 28 cents of land situated in Sy. No.1091/347/4577, 1091/176/1 and 1091/347/5412 of Arattupuzha Village from one Smt. Devaki. Petitioner submits that Smt. Devaki had title based on a purchase certificate issued to her under the Land Assignment Rules. Exts.P2 and P2(a) are the purchase certificates.

2. Petitioner approaches this Court on account of the delay in effecting mutation and accepting basic tax.

3. Learned Government Pleader submits on instruction that the property claimed by the petitioner forms part of the river puramboke and the other portion is already mutated to the name of third party. It is submitted that mutation effected on third party has been cancelled on account of interference by Human Rights Commission. It is also submitted that there is a challenge against the cancellation order by a third party.

4. This Court is of the view, Tahsildar shall identify the property claimed by the petitioner with respect to the purchase

certificate issued to Smt. Devaki. Petitioner shall produce the purchase certificate before Tahsildar. Tahsildar shall identify the property with notice to petitioner as well as to the third party, who is now claiming portion of the property.

5. Needful shall be done within a period of four months after notice to the parties. Based on the outcome of such enquiry and demarcation, mutation shall be effected or refused.

Writ petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE