

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 35014 of 2014 (B)

PETITIONER(S):

- 1. MOHANAN, AGED 55 YEARS,
S/O.YOVEL, KADANNOORVILA VEEDU, ATHIYANNOOR VILLAGE,
ARALUMOODU P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.**
- 2. K.VILASINI,
W/O.THANKAPPAN, RESIDING AT KADANNOORVILA VEEDU,
ATHIYANNOOR VILLAGE, ARALUMOODU P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.C.P.MOHAMMED NIAS.

RESPONDENT(S):

- 1. VILLAGE OFFICER,
ATHIYANNOOR VILLAGE, ARALUMOODU P.O.,
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT - 695 123.**
- 2. LAND TRIBUNAL,
THIRUVANANTHAPURAM - 695 001.**
- 3. SPECIAL TAHSILDAR (LR AND LT),
CIVIL STATION, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM - 695 043.**

BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. TRUE COPY OF THE JUDGMENT DATED 05.12.2012 OF THIS HON'BLE COURT IN W.P.(C)NO.22692/2012.
- EXHIBIT P2. TRUE COPY OF THE JUDGMENT DATED 24.03.2014 OF THIS HON'BLE COURT IN W.P.(C)NO.11188 OF 2013.
- EXHIBIT P3. TRUE COPY OF THE PURCHASE CERTIFICATE NO.89/2014 DATED 27.06.2014 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE 1ST PETITIONER.
- EXHIBIT P4. TRUE COPY OF THE PURCHASE CERTIFICATE DATED 21.06.2014 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE 2ND PETITIONER.
- EXHIBIT P5. TRUE COPY OF THE TAX RECEIPT DATED 03.09.2014 ISSUED BY THE 1ST RESPONDENT IN FAVOUR OF THE 1ST PETITIONER'S MOTHER MARIYAMMA.
- EXHIBIT P6. TRUE COPY OF THE TAX RECEIPT DATED 03.09.2014 ISSUED BY THE 1ST RESPONDENT IN FAVOUR OF THE 2ND PETITIONER.
- EXHIBIT P7. TRUE COPY OF THE LETTER DATED 03.09.2014 SENT BY THE 1ST PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P8. TRUE COPY OF THE LETTER DATED 03.09.2014 SENT BY THE 2ND PETITIONER TO THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 35014 of 2014

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Dated, this the 13th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

- (i) Issue a writ of mandamus commanding the 1st respondent to allow the request of the petitioners in Exts. P7 and P8 respectively, for effecting mutation jointly in the names of the persons issued with Exts. P4 and P5 purchase certificates respectively, at the earlies and within an outer time limit to be fixed by this Hon'ble Court; and
- (ii) Pass such other and consequential and/or ancillary or alternative order/s as this Hon'ble Court may deem fit and proper to issue in the interests of justice and in the light of the facts and circumstances of the case"

2. The learned counsel for the petitioners submits that the flow of title is clearly discernible from Exts. P3 and P4 purchase certificates standing jointly in their name. Steps taken by the petitioners to cause mutation of the property concerned, are still to be acted upon.

3. Heard the learned Government Pleader as well.

4. After going through the pleadings and proceedings, this Court finds that the petitioners have already made Exts. P7 and P8 requests before the first respondent seeking for redressal of the grievance. In the said circumstances, the writ petition is disposed of, directing the first respondent to consider and pass appropriate orders on Exts. P7 and P8, after affording an opportunity of hearing to the petitioners, at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

Sd/-

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

kmd