

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WP(C).No. 35241 of 2015 (E)

PETITIONER(S):

**T.J. ROMEO, AGED 43 YEARS, S/O.LATE JOHNSON,
RESIDING AT THANIKAPILLY, MANCHUWAD, ELOOR,
ERNAKULAM DISTRICT, PIN-683 501.**

BY ADV. SRI.PEEYUS A.KOTTAM.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF REVENUE,
GOVERNMENT SECRETARIAT ANNEX, TRIVANDRUM-695 001.**
- 2. THE DISTRICT COLLECTOR, ERNAKULAM,
MINI CIVIL STATION, KAKKANAD, COCHIN-682 030.**
- 3. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, PARAVUR,
ERNAKULAM DISTRICT, PIN-683 513.**
- 4. THE VILLAGE OFFICER, VILLAGE OFFICE,
ELOOR, ERNAKULAM DISTRICT, PIN-683 501.**

BY GOVT.PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE PURCHASE CERTIFICATE NO.22.12.1979
ISSUED FROM THE OFFICE OF THE LAND TRIBUNAL PARAVUR
TO THE PETITIONER'S GRANDFATHER, CHERU LONAN.
- EXT.P2: TRUE COPY OF THE PARTITION DEED NO.1729/1993 DATED 04.03.1993
OF PARAVUR SRO.
- EXT.P3: TRUE COPY OF THE GIFT DEED EXECUTED BY THE PETITIONER'S
FATHER IN HIS FAVOR BEARING NO.1730/1995.
- EXT.P4: TRUE COPY OF THE TAX RECEIPT NO.2982142 DATED 26.12.2011
SHOWING PAYMENT BY THE PROPERTY TAX IN THE NAME OF
THE PETITIONER.
- EXT.P5: TRUE COPY OF THE PHOTOGRAPHS SHOWING THE BUILDING
CONSTRUCTED BY THE PETITIONER'S FATHER IN THIS 4 CENTS OF
PROPERTY, WHICH IS NUMBERED BY THE PANCHAYATH.
- EXT.P6: TRUE COPY OF THE REJECTION ORDER DATED 07.04.2015
BEARING NO.KDS R & E/24/14G2 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 35241 of 2015

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Dated this the 21st day of November, 2015

J U D G M E N T

The petitioner claims a portion of the property situated in survey No. 24/2 of Eloor Village, Paravur Taluk covered by purchase certificate issued by the Paravur Land Tribunal produced as Ext.P1. According to the petitioner, it was originally belongs to his grandfather, late Cheru Lonan.

2. It is further submitted that the above property was subject matter of Ext.P2 registered partition deed and out of 10 cents 4 cents was allotted to the petitioner's father and 6 cents was allotted to the petitioner's father's brother T.L Antony.

3. The petitioner's father executed a gift deed No. 1730/2015 of Paravur SRO and thereby assigned 4 cents of land acquired by him as per the partition deed in favour of the petitioner.

4. The petitioner submits that he was paying property tax till 2012 March.

5. The petitioner approached this Court challenging Ext.P6

order of the District Collector. This order is passed based on the application to correct the entries in the re-survey number. This has been rejected stating that some portion of the property claimed by the petitioner is included in the river puramboke.

6. Essentially the question urged by the petitioner is regarding the identity of the petitioner's property. This Court is of the view that identity of the property has to be made with reference to the original patta issued in favour of the grandfather of the petitioner. This shall be done by the Tahsildar. Tahsildar shall identify the property belonged to the petitioner by gift deed, as well the property belongs to the petitioner's father's brother. Needful shall be done within 3 months from the date of receipt of the copy of this judgment after issuing notices to all the concerned. Based on the out come of the demarcation and survey, the property tax shall be accepted from the petitioner.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE