

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 37777 of 2015 (V)

PETITIONER(S):

1. DR.ALEX JACOB, AGED 57 YEARS,
S/O.K.CHACKO, PENIEL GARDEN,
PATHANAPURAM.
2. DR.JAINY ALEX, AGED 52 YEARS,
W/O.DR.ALEX JACOB, PENIEL GARDEN,
PATHANAPURAM.

BY ADV. SRI.S.VIDYASAGAR

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY
(LAND REVENUE)DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 696 001.
2. LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE
COMMISSIONER, PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM, PIN - 696 001.
3. DISTRICT COLLECTOR, KOTTAYAM, PIN - 686 001.
4. SUPDT. OF SURVEY AND LAND RECORDS AND
LAND ASSIGNMENT, KANJIRAPALLY.
5. ADDITIONAL THASILDAR,
KANJIRAPALLY, PIN - 686 507.
6. VILLAGE OFFICER, KOOTTICKKAL VILLAGE,
KANJIRAPALLY, PIN - 686 507.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: THE TRUE COPY OF THE RE-SURVEY PROCEEDINGS CONDUCTED BY THE SUPDT OF SURVEY & LR ASSIGNMENT, KANJIRAPALLY THE 5TH RESPONDENT, IN RESPECT OF THE LAND HAVING AN EXTENT OF 6.2560 HECTARES IN OLD SY.NOS 2641, 2642, 2643 AND 2644 INCLUDED IN BLOCK NO.78, RESURVEY NO.8, 8-1, 8/1-1, 8/1-2, 8/1-3 DATED 22/9/2003 ON THE BASIS OF THE COMPLAINT PUT FORWARD BY THE PREVIOUS VENDORS.**
- P2: THE TRUE COPY OF THE REVISED BASIC TAX RECEIPT REGISTER (BTR) OF THE PETITIONER'S LAND OF 4.2852 HECTARES IN RE-SY NO'S 8, 8-1, 8/1-2, 8/1-3 IN KOOTTICKKAL VILLAGE, KANJIRAPALLY, WITH THE NAME OF THE ORIGINAL PATTADARS ASSIGNED AS PER THE EXT.P1.**
- P3: THE SAID REPORT ON 162/2004 DATED 15/5/2007 OF THE VILLAGE OFFICER, KOOTTICKKAL SUBMITTED BEFORE THE THASILDAR OF KANJIRAPALLY.**
- P4 & P4A: THE TRUE COPY OF THE THADAPER EXTACT ISSUED BY THE VILLAGE OFFICER, KOOTTICKKAL TO THE PETITIONERS SHOWING THAT THE THADAPER ASSIGNED TO THEM AS 14, 15.**
- P5: THE TRUE COPY OF HTE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KOOTTICKKAL DATED 4/10/2006, SHOWING THE POSSESSION OF 4.2852 HECTARES OF LAND IN SY. NO.8/1, 8/1-1, 81-3.**
- P6: THE PROPERTY TAX RECEIPTS ISSUED TO THE PETITIONERS FOR REMITTANCE OF THE PROPERTY TAX IN RESPECT OF THE 4.2852 HECTARES OF LAND.**
- P7: THE TRUE COPY OF THE SAID FALSIFIED REPORT DATED 29/9/2010 ISSUED TO THE PETITIONERS UNDER PUBLIC INFORMATION ACT ERRONEOUSLY CONCLUDING THAT FURTHER INVESTIGATION IS REQUIRED IN RESPECT OF ASSIGNMENT OF THE SAID LAND IN RE-SY NO'S 8 AND 9 TO THE PETITIONERS.**
- P8: THE TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 1ST PETITIONER DATED 22/2/2010 BEFORE THE DISTICT COLLECTOR, KOTTAYAM FOR A FINAL REPORT AND TO CONCLUDE.**
- P9: THE TRUE COPY OF THE SAID ORDER 28/10/2011 ISSUED UNDER THE PUBLIC INFORMATION ACT ON 24/11/2015.**
- P10: THE TRUE COPY OF THE FIELD MEASUREMENT SKETCH, SHOWING THAT THE PETITIONERS PROPERTIES ARE PROPERLY IDENTIFIED AND LOCATED.**

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.37777 of 2015

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Dated this the 21st day of December, 2015.

JUDGMENT

1. Petitioners approached the District Collector by Ext.P8. Petitioners claim title to their property comprised in Block No.78, Re-sy.Nos.8, Sub-division 8-1, 8/1-1, 8/1-2 and 8/1-3 in Koottickkal village, Kanjirappilly Taluk. According to the petitioners, Ext.P3 report of the Village Officer, Koottickkal reveals that the petitioners are the owners of the said property.
2. Thereafter, the Revenue Divisional Officer has initiated certain action in the matter and proceeded to conduct an enquiry. This appears to be at the instance of third parties. It is seen from the proceedings of the District Collector that the property tax in respect of the land in the possession of the petitioners cannot be accepted because there is mistake in respect of the survey number and that the

patta was issued in favour of the previous title holders. Challenging the said order of the District Collector, this writ petition was filed.

3. This court is of the view that the District Collector shall expedite consideration of Ext.P8 and the same shall be concluded, after hearing the petitioners and other affected parties, within a period of three months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Muhamed Mustaque, Judge.

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