

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 37855 of 2015 (F)

PETITIONER(S) :

- 1. THOMAS K.J.,
S/O.K.T.JOSEPH, KINATTUKARA HOUSE, THIDANAD,
KALAKETTY P.O., MEENACHIL, KOTTAYAM.**
- 2. MATHEW JOSEPH,
S/O.K.T.JOSEPH, -DO- -DO-**
- 3. JOSE JOSEPH,
S/O.K.T.JOSEPH, -DO- -DO-**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.VINEETH KURIAKOSE**

RESPONDENT(S) :

- 1. THE VILLAGE OFFICER,
CHINNAKANAL VILLAGE, UDMBANCHOLA TALUK,
IDUKKI- 685 554.**
- 2. THE SPECIAL TAHSILDAR(L.A),
RAJAKUMARI, RAJAKKAD P.O., UDUMBANCHOLA,
IDUKKI- 685 566.**
- 3. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, IDUKKI- 685 603.**

BY SPL.GOVERNMENT PLEADER SMT.SUSHEELA.R.BHATT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF SALE DEED BEARING NO.1916/2015 OF RAJAKUMARI SUB REGISTRAR OFFICE.**
- P2: TRUE COPY OF PATTa ISSUED IN FORM NO.6 UNDER THE PROVISIONS OF 1993 RULES TO THE VENDOR OF EXT.P1.**
- P3: TRUE COPY OF APPLICATION FOR MUTATION OF THE PROPERTY, SUBMITTED BY THE PETITIONER.**
- P4: TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER FOR CORRECTION OF EXT.P2 PATTa.**
- P5: TRUE COPY OF ORDER REJECTING THE APPLICATION SUBMITTED BY THE PETITIONER FOR CORRECTION ST.10.12.2015.**
- P6: TRUE COPY OF LETTER DATED 22/02/2010 ISSUED BY THE DISTRICT COLLECTOR, IDUKKI.**
- P7: TRUE COPY OF JUDGMENT PASSED BY THIS HON'BLE COURT, IN W.P.(C).NO.27223/2015.**
- P8: TRUE COPY OF JUDGMENT PASSED BY THIS HON'BLE COURT IN W.P.(C).NO.21203/2013.**
- P9: TRUE COPY OF JUDGMENT PASSED BY THIS HON'BLE COURT IN W.P.(C).NO.12885/2014.**
- P10: TRUE COPY OF COMMON JUDGMENT PASSED BY THIS HON'BLE COURT IN W.P.(C).NO.19367/2015 AND CONNECTED CASES.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J.

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W.P.(C). No.37855 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

The petitioners are the owners in possession of 20 Ares of land comprised in Re-Sy.No.23/6 of Block No.5 of Chinnakanal Village, Udumbanchola Taluk, Rajakumari, Idukki District. Petitioners submitted that in the light of the Kerala Land Assignment (Regularization of Occupation of land prior to 1.1.1997) Special Rules 1993, their properties are alienable.

2. In the light of amended Rule, there shall be a direction to the second respondent to correct Patta by removing condition barring alienation and also removing the endorsement that the Patta issued will be subject to the directions of the Hon'ble Supreme Court in SLP (C)No.3719/2000.

3. In the light of the above, this Court is of the view that the transfer effected in favour of the petitioners shall be considered as valid and mutation shall be effected in accordance with law. Land tax also shall be accepted from the petitioners.

The writ petition is disposed of.

**A. MUHAMED MUSTAQUE,
JUDGE.**