

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. 37969 of 2015 (U)

PETITIONER :

**V. VIJAY AMRUTHARAJ, AGED 29 YEARS
S/O. LATE VELLASWAMY, MERCY COTTAGE
VAGAMON VILLAGE AND POST, IDUKKI DISTRICT.**

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS :

- 1. THE TAHSILDAR
PEERMEDU TALUK, PEERUMEDU POST
IDUKKI DISTRICT-685603.**
- 2. THE VILLAGE OFFICER
VAGAMON VILLAGE, VAGAMON POST,
IDUKKI DISTRICT-685603.**
- 3. THE DISTRICT COLLECTOR
IDUKKI DISTRICT, PAINAVU-P.O.,
IDUKKI-685603.**

R1 TO R3 BY SPL. GOVT. PLEADER SMT. SUSEELA R. BHATT

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

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...2/-

WP(C).No. 37969 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1- TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 5-8-14 ISSUED TO PETITIONER FROM ELAPPARA GRAMA PANCHAYATH RELATING TO BUILDING NO. 3/191 OF THE SAID PANCHAYATH.
- EXHIBIT P2- TRUE COPY OF THE PROPERTY TAX RECEIPT DATED 5-8-14 ISSUED TO PETITIONER FROM ELAPPARA GRAMA PANCHAYATH RELATING TO BUILDING NO.3/191A OF THE SAID PANCHAYATH.
- EXHIBIT P3- TRUE COPY OF PETITIONER'S APPLICATION DATED 18-5-15 SUBMITTED TO FIRST RESPONDENT.
- EXHIBIT P4- TRUE COPY OF PETITIONER'S REGISTERED LETTER DATED 3-8-2015 FORWARDED TO FIRST RESPONDENT.
- EXHIBIT P5- TRUE COPY OF JUDGMENT DATED 31-8-15 IN WPC NO. 25415/2015 OF THE HON'BLE HIGH COURT.
- EXHIBIT P6- TRUE COPY OF PETITIONER'S LETTER DATED 1-10-15 SUBMITTED BEFORE THE HON'BLE MINISTER FOR REVENUE AND THEREAFTER SUBMITTED TO THIRD RESPONDENT ON THE SAME DAY.
- EXHIBIT P7- TRUE COPY OF LETTER NO. C3-13580/15 DATED 26-11-15 OF FIRST RESPONDENT RECENTLY COMMUNICATED TO PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

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W.P.(C). No.37969 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

The petitioner has approached this Court challenging Ext.P7 letter issued by the first respondent. Through Ext.P7, petitioner's request for issuance of Patta has been rejected stating that objection has been raised by four brothers of petitioner's deceased father.

2. This Court is of the view that the Tahsildar ought to have heard petitioner as well as other interested parties concerned before taking a decision. The request for issuance of Patta cannot be rejected merely because of the objection raised by others. Therefore, after advertng to the merits of the objectors and after hearing the petitioner, fresh orders shall be passed by the first respondent.

3. In such circumstance, Ext.P7 is set aside and the first respondent is directed to pass fresh orders on the request for Patta, after hearing the petitioner as well as all the interested persons concerned, within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

**A. MUHAMED MUSTAQUE,
JUDGE.**