

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 39208 of 2015 (A)

PETITIONER(S):

- 1. C.BALAN AGED 61 YEARS
S/O.CHERUKUTTY, KUNCHAPPAN CHALLA,
PAMPAMPALLAM P.O, PALAKKAD**
- 2. APPUNI, SON OF VASU, AGED 66 YEARS,
CHULLIMADA, KANJIKODE,
PALAKKAD**
- 3. ARUKANNAN, S/O. AVINASIYAPPAN NADAR,
AGED 57 YEARS, KUNCHAPPAN CHALLA,
PAMPAMPALLAM P.O, PALAKKAD.**
- 4. KESAVAN, S/O. CHATHUMANI, AGED 82 YEARS
KUNCHAPPAN CHALLA, PAMPAMPALLAM P O
PALAKKAD**
- 5. SHAKTHIMANI, W/O. DHARMARAJ, AGED 50 YEARS
NADAR KALAM, VATTAPPARA, PALAKKAD**
- 6, DHARMARAJ, S/O. AVINASIYAPPA NADAR,
AGED 60 YEARS, KUNCHAPPAN CHALLA,
PAMPAMPALLAM P O, PALAKKAD**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S):

- 1. THE TAHSILDAR, PALAKKAD
PIN - 678 001.**
- 2. THE VILLAGE OFFICER,
PUDUSSERI EAST VILLAGE,
PALAKKAD DISTRICT
PIN - 678007.**
- 3. THE DIVISIONAL FOREST OFFICER
PALAKKAD, PIN - 678 001.**

R BY GOVERNMENT PLEADER BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

EXT P1 : A TRUE COPY OF THE PURCHASE CERTIFICATE DATED OCTOBER 31,1978 ISSUED BY THE SPECIAL TAHASILDAR, VESTED FOREST LAND ASSIGNMENT IN THE NAME OF THAYU.

EXT.P2 : A TRUE COPY OF THE POSSESSION CERTIFICATE DATED APRIL 3,2004 ISSUED IN THE NAME OF THE 1ST PETITIONER

EXT.P3 : A TRUE COPY OF THE POSSESSION CERTIFICATE DATED JANUARY 27,2014 ISSUED IN THE NAME OF THE 1ST PETITIONER.

EXT.P4 : A TRUE COPY OF THE PURCHASE CERTIFICATE DATED OCTOBER 31,1978 IN THE NAME OF THE 2ND PETITIONER.

EXT.P5 : A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED JANUARY 31,2014 IN THE NAME OF THE 2ND PETITIONER.

EXT.P6 : A TRUE COPY OF THE POSSESSION CERTIFICATE DATED JANUARY 30,2014 IN THE NAME OF THE 2ND PETITIONER.

EXT.P7 : A TRUE COPY OF THE PURCHASE CERTIFICATE DATED OCTOBER 31,1978 ISSUED IN THE NAME OF P.T.CHACKO.

EXT.P8 : A TRUE COPY OF THE BASIC TAX PAID RECEIPT IN RESPECT OF THE PROPERTY HELD BY THE 3RD PETITIONER DATED JANUARY 27, 2014.

EXT.P9 : A TRUE COPY OF THE POSSESSION CERTIFICATE IN RESPECT OF THE PROPERTY HELD BY THE 3RD PETITIONER DATED JANUARY 27,2014.

EXT.P10 : A TRUE COPY OF THE PURCHASE CERTIFICATE DATED OCTOBER 31,1978 IN THE NAME OF THE 4TH PETITIONER.

EXT.P11 : A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED JANUARY 27,2014 ISSUED IN THE NAME OF THE 4TH PETITIONER.

EXT.P12 : A TRUE COPY OF THE POSSESSION CERTIFICATE DATED JANUARY 27,2014 ISSUED IN THE NAME OF THE 4TH PETITIONER.

EXT.P13 : A TRUE COPY OF THE PURCHASE CERTIFICATE DATED OCTOBER 31,1978 ISSUED IN THE NAME OF V.B.RAMAKRISHNAN

EXT.P14 : A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED JANUARY 27,2014 IN THE NAME OF THE 5TH PETITIONER.

EXT.P15 : A TRUE COPY OF THE POSSESSION CERTIFICATE DATED FEBRUARY 17,2014 IN THE NAME OF THE 5TH PETITIONER.

EXT.P16 : A TRUE COPY OF THE PURCHASE CERTIFICATE DATED OCTOBER 31,1978 ISSUED IN THE NAME OF ARULNATHAN PILLAI

EXT.P17 : A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED FEBRUARY 11,2014 ISSUED IN THE NAME OF THE 6TH PETITIONER.

EXT.P18 : A TRUE COPY OF THE POSSESSION CERTIFICATE DATED FEBRUARY 11,2014 ISSUED IN THE NAME OF THE 6TH PETITIONER.

EXT.P19 : A TRUE COPY OF THE LETTER DATED DECEMBER 3,2011 OF THE 1ST RESPONDENT.

EXT.P20 : A TRUE COPY OF THE LETTER DATED AUGUST 6,2012 OF THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P.(C).No. 39208 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioners approached this Court on account of non-acceptance of basic tax and refusal to issue possession certificate in respect of the property comprised in Re-survey No.584 of Pudusseri East Village in Palakkad Taluk.

2. It appears that there are anomalies in re-survey number and it is also doubted that the property claimed by the petitioners form part of forest land. It is also seen that after resurvey, the property has been recorded as a forest land. The petitioners case is that the land in question was originally a forest land as the petitioners and their predecessor were assigned the land as a landless people under the scheme of the Government.

3. This Court is of the view that joint inspection shall be conducted by the Tahsildar along with Forest Officials to identify the property claimed by the petitioners based on the title deed. Based on the identification of the property, the basic tax shall be accepted and the possession certificate shall be issued to the petitioners. Exercise shall be completed within a period of three months.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

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