IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 29TH DAY OF JANUARY 2020 / 9TH MAGHA, 1941

WP(C).No.6548 OF 2018(P)

PETITIONER/S:

BABU JOSEPH
AGED 50 YEARS, S/O.JOSEPH @ MATHUKUTTY @ MATHEW,
NEDIYANIYIL @ AATTEALIL @ ANICHAMKUZHIYIL HOUSE,
MULAVUR P.O., MUVALVUR VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN-686673.

BY ADV. SRI.PADAYATTEE YELDO

RESPONDENTS:

1 **TAHSILDAR, MUVATTUPUZHA**
MUVATTUPUZHA TALUK OFFICE, MUDAVOOR P.O., PIN-686669.

2 **THE DISTRICT COLLECTOR,**
ERNAKULAM DISTRICT CIVIL STATION,
KAKKANADU P.O.,PIN-682030.

SMT. PRIYA SHANAVAS SPL.GP REVENUE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 29th day of January 2020

The petitioner applied for a certified copy of the patta issued pursuant to proceedings in L.A.No.25/70 on the file of the Taluk Office Muvattupuzha. Patta was issued for 63 cents in respect of Sy.No.1222/11-12 of Mulavur Village. The petitioner was not given certified copy of the patta for the reason that files are not traceable.

2. In the counter affidavit filed by the Tahsildar it is stated that, though issuance of patta was entered in the land assignment register, entry has not been properly signed and sealed by the appropriate authority and it lack authentication.

3. The petitioner placed reliance on the basic tax payment receipt as well as the report of the Village Officer, produced as Ext.P11.

4. The authenticity of the assignment order, produced before this Court as Ext.P5 is disputed for the reason that there are no other records to verify the genuineness of the assignment order. The question that arises for consideration is, whether a certified copy of the patta can be ordered to be issued or not. There are two possible outcome, one is, this document created and not genuine, other is this document can be relied for regenerating the patta.

5. In regard to the genuineness of the assignment order, necessary enquiry has to be conducted as to the possession of the land. So also revenue records have to be verified. If there are revenue records to evidence that, 63 cents was owned by Mathew Joseph without further enquiry, the file can be reconstructed and patta can be issued.

6. Therefore, necessary decision shall be taken by the Tahsildar in the light of above observation within a period of two months. If it is found there are reasons to believe that, the

assignment order is genuine based on the enquiry to be conducted as above, files shall be reconstructed and certified copy of patta shall be issued to the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

hmh

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF APPLICATION FOR PATTA DATED 23.01.1970.**
EXHIBIT P2	**TRUE COPY OF 12(1) NOTICE DATED 01.01.1970.**
EXHIBIT P3	**TRUE COPY OF MAHAZAR DATED 23.01.1970.**
EXHIBIT P4	**TRUE COPY OF RECEIPT DATED 21.12.1970.**
EXHIBIT P5	**TRUE COPY OF ASSIGNMENT ORDER DATED NIL.**
EXHIBIT P6	**TRUE COPY OF ASSIGNMENT SANCTION LETTER DATED 27.01.1970.**
EXHIBIT P7	**TRUE COPY OF TAX RECEIPT DATED 29.08.2017.**
EXHIBIT P8	**TRUE COPY OF TAX RECEIPT DATED 29.08.2017.**
EXHIBIT P9	**TRUE COPY OF TAX RECEIPT DATED 29.08.2017.**
EXHIBIT P10	**TRUE COPY OF ACTION TAKEN UPON APPLICATION FOR CERTIFIED COPY OF PATTA DATED 29.09.2016, 30.09.16, 04.10.2016.**
EXHIBIT P11	**TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER DATED 26.09.2016.**
EXHIBIT P12	**TRUE COPY OF THE REPORT OF RECORD KEEPER DATED 29.09.2016.**
EXHIBIT P13	**TRUE COPY OF THE COMPLAINT OF THE PETITIONER TO THE 2ND RESPONDENT DATED 29.11.2017.**
EXHIBIT P14	**TRUE COPY OF THE RECEIPT OF 2ND RESPONDENT DATED 29.11.2017.**

RESPONDENT'S/S EXHIBITS: NIL