IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 09TH DAY OF SEPTEMBER 2020 / 18TH BHADRA, 1942

WP(C).No.18548 OF 2020(P)

PETITIONER:

JIDHEESH P.P
AGED 48 YEARS
PUTHENPURACKAL HOUSE, MALYANKARA, MOOTHAKUNNAM VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT, MALYANKARA P O, PIN - 683516.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY PRINCIPAL SECRETARY TO DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.

2 **DISTRICT COLLECTOR,**
ERNAKULAM, COLLECTORATE, CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT, PIN - 682030.

3 **TAHSILDAR**
TALUK OFFICE, CIVIL STATION, N.PARAVUR, PARAVUR P O, PIN - 683513.

4 **VILLAGE OFFICER,**
MOOTHAKUNNAM VILLAGE OFFICE, MOOTTHAKUNNAM P O, PIN - 683516.

SRI BIMAL K NATH SR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.09.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner herein is the son of Late Sri P.I. Purushothaman. By Exhibit P4 order dated 22.1.1997, property having an extent of 12 cents in Sy Nos 46/1 and 66/1 of Moothakunnam Village was assigned in the name of Sri. Purushothaman. By the same order, the assignee was called upon to pay a sum of Rs. 71,265/ as land value, the value of trees, and other charges within a period of three months. Due to financial constraints, Purushothaman was not able to pay the amount. Exhibit P5 representation was submitted by him on 31.3.2002. The petitioner contend that even thereafter Exhibit P7 representation was submitted but it was of no avail. In the year 2019, Sri Purushothaman passed away. It is contended that thereafter the petitioner who came into possession of the property filed Exhibit P8 request under Rule 9 (7) of the Kerala Assignment Rules 1964 for enlargement of time. His prayer in this Writ Petition is for a direction to the 1st respondent to take up Exhibit P8 petition and take a decision on the same within a time frame.

2. I have heard Sri. V. Rajendran, the learned counsel appearing for the petitioner and Sri.Bimal K. Nath, the learned Senior Government Pleader. It is submitted by the learned Government pleader that there is no

impediment in taking a decision on Exhibit P 8 petition in accordance with law.

3. Without expressing any opinion on the merits of the assertions made by the petitioner, this petition will stand disposed of directing the 1st respondent to take up Exhibit P8 petition and pass orders on its merits expeditiously, at any rate within a period of two months from today. Before passing orders, the petitioner shall be afforded an opportunity of being heard.

The petitioner shall produce a copy of the writ petition along with the judgment before the 1st respondent to ensure compliance.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

NS

APPENDIX in W.P.(C).No.18548/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF BUILDING TAX RECEIPT NO.09 OF BOOK NO.29170 DATED 19.02.2009 ISSUED FROM VADAKKEKKARA GRAMA PANCHAYATH TO PURUSHOTHAMAN, FATHER OF THE PETITIONER.
EXHIBIT P2	TRUE COPY OF PROPERTY TAX RECEIPT ISSUED FROM VADAKKEKKARA GRAMA PANCHAYAT AT IN THE NAME OF FATHER OF THE PETITIONER ON 01.07.2020 BEARING NO.A-6605275.
EXHIBIT P3	PHOTOGRAPH OF THE SHED AND PROPERTY IN THE POSSESSION OF THE PETITIONER
EXHIBIT P4	TRUE COPY OF ASSIGNMENT ORDER ISSUED BY THE 3RD RESPONDENT TO P.I PURUSHOTHAMAN, FATHER OF THE PETITIONER BEARING NO.LA9/94/MKM DATED 22.01.1997.
EXHIBIT P5	TRUE COPY OF PETITION FILED BY FATHER OF THE PETITIONER BEFORE THE 2ND RESPONDENT ON 31.03.2002.
EXHIBIT P6	TRUE COPY OF ACKNOWLEDGMENT CARD SENT TO PURUSHOTHAMAN, FATHER OF THE PETITIONER BY THE PRIVATE SECRETARY TO HON'BLE MINISTER FOR REVENUE ON 21.07.2004.
EXHIBIT P7	TRUE COPY OF PETITION FILED BY FATHER OF THE PETITIONER BEFORE THE 2ND RESPONDENT ON 24.07.2009.
EXHIBIT P8	TRUE COPY OF PETITION FILED BY PETITIONER BEFORE THE 1ST RESPONDENT ON 23.06.2020.
EXHIBIT P9	TRUE COPY OF ORDER OF 1ST RESPONDENT IN GO(MS) NO. 40/11/REVENUE DATED 20.01.2011.
EXHIBIT P10	TRUE COPY OF THE ORDER OF 3RD RESPONDENT BEARING NO. B1-6087/09 DATED 17.08.2011.

RESPONDENTS' EXHIBITS:

NIL