IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.28806 OF 2020(A)

PETITIONER:

SATHYENDRANATHAN P.K.
AGED 45 YEARS
S/O.GOPALAN, RESIDING AT PARAKANDI KAKKADAVATHU
PARIJATHAM HOUSE, NALUTHARA KARA, MAHI VILLAGE,
NALUTHARA P.O., MAHE DISTRICT,
MAHE UNION TERRITORY - 673 310.

BY ADVS.
SRI.MADHU RADHAKRISHNAN
SRI.NELSON JOSEPH
SRI.SUNDEEP ABRAHAM
SRI.M.D.JOSEPH
SHRI.DEEPAK ASHOK KUMAR

RESPONDENTS:

1 **THE STATE OF KERALA**
REPRESENTED BY THE CHIEF SECRETARY,
CENTRAL STADIUM, M G ROAD, PALAYAM,
THIRUVANANTHAPURAM - 695001.

2 **TAHSILDAR, MANANTHAVADY TALUK**
MANANTHAVADY P.O., WAYANADU DISTRICT - 670 645.

3 **VILLAGE OFFICER**
PERIYA VILLAGE, PERIYA P.O., MANANTHAVADY,
WAYANADU DISTRICT - 670 644.

4 **SUB REGISTRAR OFFICER**
MANANTHAVADY S.R.O., HOSPITAL ROAD, MANANTHAVADY,
WAYANADU DISTRICT - 670 645.

SRI BIMAL K NATH, SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner states that he is entitled to possession of property having an extent of 63.78 Ares comprised in Sy. Nos. 80/15, 80/18, 80/19 and 78 as per Thandaper No.565 of Periya Village. According to him, he has been remitting tax in respect of the above extent of property as evident from Ex.P13 receipt. He states that with intent to convey an extent of 10 Acres of Coffee plantation to his daughter and his wife, he approached the 4th respondent for registering a settlement deed. According to him, instead of registering the deed, the 4th respondent directed the 2nd respondent to cancel the Thandaper certificates issued to the petitioner. On its basis, Ext.P14 communication was issued by the 2nd respondent informing the petitioner that he has title only in respect of 30 Acres of land in Periya village comprised in Sy. No.80/1A and it is further informed that no action be taken on the basis of Ext.P9 series Thandaper certificates. Being aggrieved, the petitioner is stated to have submitted Ext.P15 representation before the 2nd respondent. When no action was taken, he has approached this Court seeking to quash Ext.P14 and also for a further direction to the 2nd respondent to consider Ext.P15 and for incidental reliefs.

2. Sri. Sundeep Abraham, the learned counsel appearing for the

petitioner submitted that though various reliefs are sought for, his limited request is for an expeditious consideration of Ext.P15 by the 2nd respondent. On instructions, the learned Government Pleader submits that there is no impediment in considering the said request.

3. Having regard to the facts and circumstances and the submissions made across the Bar, this writ petition is disposed of with a direction to the 2nd respondent to take up Exhibit-P15 representation and dispose it of on its merits, with notice to the petitioner and affected parties, if any. Orders shall be passed in consonance with law, expeditiously, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

4. The petitioner shall produce a copy of the writ petition along with the judgment before the 2nd respondent to ensure compliance.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

DSV

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	PROCEEDINGS OF THE LAND BOARD, TRIVANDRUM NO.LB(B)5-3387/70 DATED 24/10/1972.
EXHIBIT P2	UNREGISTERED DEED EXECUTED BY SMT.SAKUNTALA GOPALAN, MANAGING DIRECTOR OF M/S.CANNANORE ESTATES (P) LTD. TO TRANSFER 93.58 ACRES OF LAND IN PERIYA VILLAGE IN MANANTHAVADY TALUK TO THE PETITIONER DATED 03/11/1991.
EXHIBIT P3	SALE DEED NO.2804/95 OF S.R.O.MANANTHAVADY DATED 26/08/1995 CONVEYING AN EXTENT OF 65.33 ACRES OF ESTATE LAND INCLUDING BUNGALOW BEARING PANCHAYAT NO.TP.8/104 AND SHED BEARING NO.TP.8/84 IN SY.NO.32/1 OF PERIYA VILLAGE.
EXHIBIT P4	TAX RECEIPT ISSUED BY PERIYA-IRIMANATHUR VILLAGE IN MANANTHAVADY TALUK DATED 16/06/2009 CONFIRMING PETITIONER'S POSSESSION OF AN EXTENT OF 10 ACRES OF LAND IN SY.80/1A.
EXHIBIT P5	TAX RECEIPT ISSUED BY PERIYA-IRIMANATHUR VILLAGE IN MANANTHAVADY TALUK DATED 13/10/2009 CONFIRMING PETITIONER'S POSSESSION OF AN EXTENT OF 80.10 ACRES OF LAND IN SY.80/I.A.10 CENTS OF LAND IN SY.NO.80/2 AND 3.56 ACRES OF LAND IN SY.NO.78.
EXHIBIT P6	GIFT DEED NO.72/1/2013 OF MANANTHAVADY S.R.O.DATED 05/01/2013 EXECUTED BY THE PETITIONER EXECUTED IN FAVOUR OF HIS DAUGHTER AMREEN SATHYAN OF LAND PLANTED WITH COFFEE TREES CONSISTING OF 10 ACRES IN SY.NO.80/1A IN PERIYA VILLAGE OF MANANTHAVADY TALUK IN WAYANADU DISTRICT.
EXHIBIT P7	GIFT DEED NO.73/1/2013 OF MANANTHAVADY S.R.O.DATED 05/01/2013 EXECUTED BY THE PETITIONER EXECUTED IN FAVOUR OF HIS

	DAUGHTER MELISSA SATHYAN OF LAND PLANTED WITH COFFEE TREES CONSISTING OF 10 ACRES IN SY.NO.80/1A IN PERIYA VILLAGE OF MANANTHAVADY TALUK IN WAYANADU DISTRICT.
EXHIBIT P8	GIFT DEED NO.74/1/2013 OF MANANTHAVADY S.R.O. DATED 05/01/2013 EXECUTED BY THE PETITIONER EXECUTED IN FAVOUR OF HIS WIFE RENJINI OF LAND PLANTED WITH COFEE TREES CONSISTING OF 10 ACRES IN SY.NO.80/1A IN PERIYA VILLAGE OF MANANTHAVADY TALUK IN WAYANADU DISTRICT.
EXHIBIT P9	NIL.
EXHIBIT P9(a)	EXTRACT OF THANDAPER CERTIFICATE NO.565 OF PETITIONER FROM BTR 80/1A OF PERIYA VILLAGE BERING NEW SY.NO.80/15 HAVING EXTENT OF 10 ACRES DATED 24/09/200.
EXHIBIT P9(b)	EXTRACT OF THANDAPER CERTIFICATE NO.565 OF PETITIONER FROM BTR 80/1A OF PERIYA VILLAGE BEARING NEW SY.NO.80/18 HAVING EXTENT OF 50.12 ACRES DATED 24/09/2020.
EXHIBIT P9(c)	EXTRACT OF THANDAPER CERTIFICATE NO.565 OF PETITIONER FROM BTR 80/2 OF PERIYA VILLAGE BEARING NEW SY.NO.80/19 HAVING EXTENT OF 10 CENTS DATED 25/09/2020.
EXHIBIT P9(d)	EXTRACT OF THANDAPER CERTIFICATE NO.565 OF PETITIONER FROM BTR 78 OF PERIYA VILLAGE BEARING SY NO.78 HAVING EXTENT OF 3.56 ACRES DATED 24/09/2020.
EXHIBIT P10	EXTRACT OF THANDAPER CERTIFICATE NO.566 OF RENJINI FROM BTR 80/1A OF PERIYA VILLAGE BEARING NEW SY.NO.80/16 HAVING AN EXTENT OF 10 ACRES DATED 11/07/2017.
EXHIBIT P11	EXTRACT OF THANDAPER CERTIFICATE NO.567 OF MELISSA SATHYAN FROM BTR 80/1A OF PERIYA VILLAGE BEARING NEW SY.NO.80/17 HAVING AN EXTENT OF 10 ACRES DATED 11/07/2017.

	OF AMREEN SATHYAN FROM BTR 80/1A OF PERIYA VILLAGE BERING NEW SY.NO.80/14 HAVING AN EXTENT OF 10 ACRES DATED 11/07/2017.
EXHIBIT P13	TAX RECEIPT DATED 27/08/2020 ISSUED TO THE PETITIONER FOR THE FINANCIAL YEAR 2020-21 FOR THE EXTENT OF 63.78 ACRES REMAINING WITH THE PETITIONER.
EXHIBIT P14	LETTER ISSUED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT DATED 05/11/2020.
EXHIBIT P15	LETTER ISSUED BY PETITIONER TO THE 2ND RESPONDENT ON 05/12/2020.

RESPONDENTS EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE