

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 14TH DAY OF JULY 2023 / 23RD ASHADHA, 1945

WP(C) NO. 11744 OF 2023

PETITIONER/S:

SHYAMALA RAJAN
AGED 63 YEARS
W/O. RAJAN, PARUVANGAL HOUSE, UPPUTHARA PO, IDUKKI
DISTRICT, PIN - 685538

BY ADVS.
BIJU .C. ABRAHAM
THOMAS C.ABRAHAM

RESPONDENT/S:

- 1 THE STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM ., PIN - 695001
- 2 THE STATE SPECIAL OFFICER & COLLECTOR
GOVERNMENT LAND RESUMPTION, THIRUVANANTHAPURAM .,
PIN - 695001
- 3 THE DISTRICT COLLECTOR
IDUKKI DISTRICT, COLLECTORATE, IDUKKI ., PIN -
685603
- 4 THE TAHSILDAR
PEERMADE TALUK, IDUKKI DISTRICT ., PIN - 685538
- 5 THE VILLAGE OFFICER
UPPUTHARA VILLAGE, PEERMADE TALUK, IDUKKI
DISTRICT ., PIN - 685505

BY smt. DEEPA. V. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14.07.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioner has approached this Court being aggrieved by the fact that revenue certificates such as location sketch, ROR, Possession Certificate, Genuinity Certificate etc., are not being issued in respect of property obtained by the petitioner under Ext.P1 (80.11 Ares in Survey Nos.338/5, 338/12 and 338/11 of Upputhara Village). According to the petitioner, the revenue authorities are not accepting the request of the petitioner for issuance of revenue certificates on account of Exts.P3 and P4 proceedings. It is submitted that following the decision of this Court in ***M/s. Harrisons Malayalam Ltd and another v. State of Kerala and others; 2018 (2) KLT 369***, this Court is allowed a batch of writ petitions (Ext.P5 judgment in W.P.(C)No.40002/2016 and connected cases), where the directions have been issued to the authorities to issue revenue certificates subject to the right of the State to initiate any proceedings for recovery of the land in question. Ext.P7 judgment is also stated to be in identical circumstances.

2. The learned Government Pleader does not dispute the fact that the case of the petitioner is identical to the cases considered by this Court in Ext.P5 as also in Ext.P7.

Having heard the learned counsel for the petitioner and the learned Government Pleader, this writ petition will stand disposed of

directing the 5th respondent to consider applications, if any, filed by the petitioner for issuance of revenue certificates such as location sketch, ROR, Possession Certificate, Genuinity Certificate etc., in respect of the properties obtained by the petitioner under Ext.P1 without any endorsement, within a period of six weeks from the date of receipt of a certified copy of this judgment. The 5th respondent shall also accept land tax from the petitioner without any condition. However, it is made clear that issuance of revenue certificates and acceptance of land tax will not in any manner prejudice the right of the Government to initiate proceedings against the land either under the provisions of the Land Conservancy Act or by filing a civil suit.

Sd/-

GOPINATH P.

JUDGE

acd

APPENDIX OF WP (C) 11744/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE SALE DEED NO. 425/95 DATED 5/1/1995 OF PEERMADE SRO OF THE PETITIONER
Exhibit P2	THE TRUE COPY OF THE TAX RECEIPT DATED 9/6/2022 EVIDENCING THE PAYMENT OF BASIC TAX FOR THE YEAR 2022-2023
Exhibit P3	TRUE COPY OF THE LETTER ISSUED BY THE 5TH RESPONDENT DATED 20/3/2023
Exhibit P4	TRUE COPY OF THE PROCEEDINGS NO. GLR(LR) 210/15/PER-TCO DATED 12/8/2016 OF THE SPECIAL OFFICER & COLLECTOR
Exhibit P4 (a)	. A TRUE COPY OF THE GO NO. 172/2019 ISSUED BY THE 1ST RESPONDENT ON 6/6/2019
Exhibit P5	TRUE COPY OF THE JUDGMENT DATED 7/11/2018 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 40002/2016
Exhibit P6	TRUE COPY OF THE JUDGMENT DATED 18/2/2019 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 4647/2019
Exhibit P7	A TRUE COPY OF JUDGMENT DATED 8/09/2021 IN W.P.(C). NO. 16908/2021