(2023) 01 KL CK 0254

In the High Court Of Kerala

Case No : Writ Petition (C) No. 672 Of 2023

Sasi A.K — APPELLANT

Vs

State Of Kerala — RESPONDENT

Date of Decision : 30-01-2023

Acts Referred:

Citation : (2023) 01 KL CK 0254

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : Biju .C. Abraham, Thomas C.Abraham. Bimal K. Nath

Final Decision : Disposed Of

Judgement

Gopinath P., J

1. The petitioner states that the petitioner is in ownership and enjoyment of an extent of 1 Are and 22 square meters of property comprised in Survey No.338/3-1-15 of Upputhara Village of Peerumedu Taluk. The petitioner claims that the property orginally belgoned to one Devassia, who transferred the property to his son George through a gift deed executed in the year 1969. Thereafter, the property was trasnferred in the year 1989 to one Cyril Raj, who transferred the property to the predecessor-in-interest of the petitioner namely, one Joseph. The said Joseph has transferred the property to the petitioner by virtue of Sale Deed No.1736/1999 dated 25.6.1999 registered at the Peerumedu SRO. The petitioner is aggrieved by the fact that the petitioner is now being issued with various certificates in respect of his land and that the petitioner is issued with receipts evidencing payment of basic land tax with an endorsement that it is being provisionally accepted. It is submitted that such endorsements are being made on the basis of Exts.P4 and P4(a) instructions. It is submitted that the Government proposes to file a suit to recover the lands, which were originally with the Peerumedu Tea Company. It is submitted that the endorsements are being made and certificates are not being issued on account of

the fact that the said suit is pending.

2. The learned counsel for the petitioner submits that, in respect of identical matters, this court has issued directions as can be seen from Exts.P6 and P7 judgments. It is submitted that a direction similar to the direction issued in Ext.P7 may be issued in the case of petitioner also.

3. The learned senior Government Pleader submits that a direction similar to Ext.P7 can be issued in the case of the petitioner as well.

4. Having heard the learned counsel for the petitioner and the learned senior Government Pleader appearing for the respondents and taking note of the directions issued in Ext.P7, this writ petition will stand disposed of directing that no endorsements shall be made on receipts issued showing payment of basic land tax paid by the petitioner. Any revenue certificate applied for by the petitioner in accordance with law shall also be issued to the petitioner without any endorsement. However, it is made clear that the issuance of such certificates and the issue of land tax receipt without endorsement shall not prejudice any right claimed by the Government any civil suit/or other proceedings which may be initiated and the issuance of such certificates will always be subject to such proceedings that may have been initiated or to be initiated by the Government in respect of the land in question.