

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 4TH DAY OF JANUARY 2024 / 14TH POUSHA, 1945

WP(C) NO. 39547 OF 2015

PETITIONER:

BIJU K.JOSEPH, AGED 39 YEARS
S/O.OUSEPH, KUTTUR HOUSE, NEENDOOR.P.O.,
ONAMTHURUTHU VILLAGE, KOTTAYAM DISTRICT.
BY ADVS.
SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR
KOTTAYAM DISTRICT, KOTTAYAM-686001
- 2 THE REVENUE DIVISIONAL OFFICER
KOTTAYAM, KOTTAYAM TALUK, KOTTAYAM DISTRICT.
- 3 THE VILLAGE OFFICER, ONAMTHURUTHU, KOTTAYAM TALUK
KOTTAYAM DISTRICT-686003

OTHER PRESENT:

SRI RIYAL DEVASSY, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P. V. KUNHIKRISHNAN, J.

W.P(C).No.39547 of 2015

Dated this the 4th day of January, 2024

JUDGMENT

The above Writ Petition is filed with the following prayers:

- a) To call for the records leading to Ext.P7 order and quash the same or in the alternative to direct the first respondent to hear the proceedings afresh by giving an opportunity to the petitioner and pass fresh orders as per law;
- b) To stay all proceedings pursuant to Ext.P7 order;
- c) Such other reliefs as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

[SIC]

2. When this Writ Petition came up for consideration, this Court passed an order on 23.12.2015, which is extracted hereunder:

‘Government Pleader takes notice.

There shall be an order of statusquo for three weeks.

Government Pleader is directed to get instructions whether data bank has been finally notified and find out the status of the petitioner's land in the data bank.'

3. The above order is extended until further orders on 03.06.2016. Today, when the matter taken up for consideration, the Government Pleader submitted that the petitioner has got remedy against Ext.P7 before the additional 4th respondent by way of filing revision. The learned counsel for the petitioner submitted that a connected Writ Petition is pending before this Court as W.P(C).No.35101/2023. Since Ext.P7 can be challenged before the additional 4th respondent, I am of the considered opinion that, this Writ Petition need not be retained here.

Therefore, this Writ Petition is disposed of with the following directions:

a) The petitioner is free to challenge Ext.P7 before the additional 4th respondent by filing appropriate proceedings within one month from today. If such a revision is filed, the additional 4th respondent shall consider the same and pass appropriate orders in accordance to law, after giving an opportunity of hearing to the petitioner.

b) The interim order dated 23.12.2015 will continue till final orders are passed, if the revision is filed as directed above.

Sd/-

P. V. KUNHIKRISHNAN
JUDGE

Sbna/

APPENDIX OF WP(C) 39547/2015

PETITIONER EXHIBITS

EXHIBIT P1- THE TRUE COPY OF THE AWARD CERTIFICATE DATED 22-05-2009 ISSUED BY THE ANIMAL HUSBANDARY DEPARTMENT, GOVERNMENT OF KERALA.

EXHIBIT P2- THE TRUE COPY OF SALE DEED NO.4058/2012 OF ETTUMANNOR SRO.

EXHIBIT P3- THE TRUE COPY OF LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, ONAMTHURUTHU VILLAGE TO THE PETITIONER FOR THE FINANCIAL YEAR 2014-2015.

EXHIBIT P4- THE TRUE COPY OF THE STOP MEMO DATED 18-03-2010 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.

EXHIBIT P5- THE TRUE COPY OF EXTRACT OF THE OLD BASIC TAX REGISTER PERTAINING TO THE PROPERTY IN RE-SURVEY NO.218/22 (OLD SURVEY NO.52/1A & IB) OF ONAMTHURUTHU VILLAGE.

EXHIBIT P6- THE TRUE COPY OF KERALA GAZETTE NOTIFICATION NO.515(7) IN VOLUME 35 DATED 06-03-2010

EXHIBIT P7- THE TRUE COPY OF THE OF THE ORDER DATED 29-10-2015 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.