

Narayani Vs. State of Kerala

Narayani Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1009776

Court : Kerala

Decided On : Jan-16-2013

Judge : Hon'Ble the Chief Justice Mrs. Manjula Chellur

Appellant : Narayani

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE MRS. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN WEDNESDAY, THE 16TH DAY OF JANUARY 2013 26TH POUSHA 193 WA.No. 1806 of 2012 () IN WP(C).20671/2007 ----- AGAINST THE JUDGMENT IN WP(C).20671/2007 DATED 13 06-2012 APPELLANT(S)/APPELLANT PETITIONER 2 4: ----- 1. NARAYANI W/O KORAN, PALAYADI, P.O PAYYOLI ANGADI, KOZHIKODE DISTRICT-673523 2. VALSAN P, S/O KORAN,"SREE VALSAM" HOUSE, P.O PAYYOLI ANGADI, KOZHIKODE DISTRICT-673523.

3. P. SASI S/O KORAN, PALAYADI, P.O PAYYOLI ANGADI, KOZHIKODE DISTRICT- 673523.

4. P. SURESH BABU, W/O KORAN, PALAYADI, P.O PAYYOLI ANGADI, KOZHIKODE DISTRICT -673523. BY ADVS.SRI.C.VALSALAN SRI.GHOSH

YOHANNAN

RESPONDENTS/RESPONDENTS:

----- 1. STATE OF KERALA REPRESENTED
BY THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.

2. REVENUE DIVISIONAL OFFICER, KOZHIKODE-673001.

3. ADDITIONAL TAHASILDAR, KOYILANDI TALUK, (P.O) PAYYOLI ANGADI,
KOZHIKODE DISTRICT-673523.

4. VILLAGE OFFICER, THURAYOOR VILLAGE, (P.O) PAYYOLI ANGADI,
KOZHIKODE DISTRICT-673 523. W.A.1806/12 5. THURAYOOR GRAMA
PANCHAYAT, REPRESENTED BY ITS SECRETARY, (P.O) PAYYOLI ANGADI,
KOZHIKODE DISTRICT-673 523. R1 TO R4 BY SPECIAL GOVT. PLEADER
SMT.GIRIJA GOPAL R5 BY ADV. SRI.K.RAKESH ROSHAN ADV.
SMT.THUSHARA.V THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
16-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
MANJULA CHELLUR, C.J.

& K. VINOD CHANDRAN, J.

----- W.A. No.1806 of 2012
----- Dated this the 16th day of January, 2013
Judgment Manjula Chellur, C.J.

Heard learned counsel for appellants. The appellants herein are legal representatives of the original writ petitioner by name Palayadi Koran. The claim of the petitioners was, the predecessor-in-title acquired ownership to certain lands as per Exts.P1 to P2(a) documents and they were also in possession of the property for more than 50 years, paying land tax regularly. Their grievance is, Village Officer of late refuses to accept tax on the ground that the property claimed by the petitioners is entirely different survey number and the property on which the tax sought to be paid is the Government land as per the revenue records. It is also not in dispute that the writ petition initially came to be filed for a direction to accept land tax which came to be modified challenging the proceedings under the Land

Conservancy Act. Meanwhile, petitioners were also dispossessed from the land in question. Therefore, they had to bring in several amendments and ultimately sought for various reliefs. W.A. No.1806 o

2. 2. Having regard to the reliefs sought for in the writ petition, the learned Judge was justified in saying the contention raised by appellants, the documents relied upon by them to substantiate their title over the property in question and the identity of the survey number from which they are dispossessed and the property alleged to be the property of the Panchayat are controversies to be adjudicated by bringing several facts on records, which exercise could not be undertaken by the court exercising jurisdiction under Article 226 of the Constitution. In that view of the matter, the learned Judge refused to entertain the writ petition, which is justified in our opinion. In the absence of any grounds convincing us to interfere with the opinion of the learned Single Judge, the appeal fails. Accordingly, Writ Appeal is dismissed. MANJULA CHELLUR, CHIEF JUSTICE. K. VINOD CHANDRAN, JUDGE srd

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com