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Jossy Stephen Vs. the Tahsildar

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Court : Kerala

Decided On : Oct-05-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Jossy Stephen

Respondent : The Tahsildar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON SATURDAY, THE5H DAY OF OCTOBER201313TH ASWINA, 1935 WP(C).No. 21881 of 2013 (I) ---------- PETITIONERS: ---------- 1. JOSSY STEPHEN, AGED44YEARS, S/O.ESTHAPPAN, NO.306 MOOLANS, ANGAMALY, ERNAKULAM DISTRICT.

2. BIJI STEPHEN, AGED40YEARS S/O.ESTHAPPAN, NO.306 MOOLANS, ANGAMALY, ERNAKULAM DISTRICT. BY ADVS.SRI.G.HARIHARAN SRI.PRAVEEN.H. RESPONDENTS: ---------- 1. THE TAHSILDAR, ALUVA TALUK, ALUVA, ERNAKULAM DISTRICT PIN - 673 101.

2. DISTRICT COLLECTOR, CIVIL STATION, KAKKANAD, ERNAKULAM - 682 030.

3. GOVERNMENT OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT,

THIRUVANANTHAPURAM - 695 001. ADDITIONAL4H RESPONDENT IMPLEADED ADDL.4 THE CHAIRMAN, (PRESIDENT MOOKKANNUR GRAMA PANCHAYAT), LOCAL LEVEL MONITORING COMMITTEE, MOOKKANNUR GRAMA PANCHAYAT ALUVA TALUK. ADDL. 4TH RESPONDENT IMPLEADED AS PER THE

ORDER

IN IA. 13090/2013 DATED510.2013. BY SPL.GOVERNMENT PLEADER (REVENUE) SRI. P.K. SOUYUZ THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON0510-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 21881 of 2013 (I) ---------- APPENDIX PETITIONERS' EXHIBITS: ---------- EXT.P-1: TRUE COPY OF BASIC TAX RECEIPT NO.4411967 DATED3011.2012 ISSUED BY THE VILLAGE OFFICER, MOOKKANNUR IN FAVOUR OF THE PETITIONERS. EXT.P-2: TRUE COPY OF THE REPRESENTATION DATED154.2013 FILED BY THE PETITIONERS BEFORE THE GOVERNMENT OF KERALA. RESPONDENTS' EXHIBITS: NIL ---------- /TRUE COPY/ P.S. TO JUDGE cl P.R. RAMACHANDRA MENON, J.

..... W.P.(C).No.21881 of 2013 ..... Dated this the 5th day of October, 2013

JUDGMENT

Petitioners are the owners in possession and enjoyment of1.74 hectares of landed property in Resurvey Nos.443/3,443/5-1 and 443/5-2 and are enjoying the same, also remitting the basic tax as borne by Ext.P1 tax receipt. The case of the petitioners is that, it is a pucca dry land where quite a lot of improvements including age old trees are in existence and that the same is not a paddy land or wet land as defined under Sections 2(xii) or 2(xviii) of Act 28 of 2008. It is stated that the property, however, came to be shown as 'paddy land' as per the draft Data Bank Register prepared by the concerned authorities, which made the petitioners to file Ext.P2 representation before the third respondent. Since the same is still to be acted upon, the petitioners are compelled to approach this Court by filing the present writ petition.

2. During the pendency of the proceedings, the petitioners thought it fit to implead the Chairman, Local Level Monitoring Committee by filing I.A.No.13090/2013 and the said respondent came to be impleaded in the party W.P.(C).No.21881 of 2013 2 array as additional 4th respondent. The learned counsel for the petitioners submits that the petitioners may be permitted to approach the additional 4th respondent by filing a petition for deletion of the petitioners' property from the Data Bank Register before the same is finalized.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, if at all the property which is actually not a 'paddy land' or 'wet land' has come to be included by virtue of a wrong entry in the draft Data Bank Register, the remedy of the aggrieved party is to approach the Local Level Monitoring Committee by filing necessary petition. It is for the Local Level Monitoring Committee to conduct spot verification, assess the facts and figures and take appropriate steps in accordance with law. In the said circumstances, the petitioners are relegated to approach the additional 4th respondent by filing a representation within 'two weeks' from the date of receipt of a copy of this judgment. On such an event, the same shall be considered after conducting a local inspection with notice to the petitioners and the proceedings shall be finalized as above within 'two months' from the date of filing the representation as aforesaid. W.P.(C).No.21881 of 2013 3 5. The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the additional 4th respondent for further steps. The writ petition is disposed of as above. Sd/- P.R. RAMACHANDRA MENON, JUDGE. cl

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