

Rama U. Vs. State of Kerala

Rama U. Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1163439

Court : Kerala

Decided On : Aug-27-2014

Judge : Honourable Mr. Justice a.Muhamed Mustaque

Appellant : Rama U.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE WEDNESDAY, THE 27TH DAY OF AUGUST 2014 5TH BHADRA, 1936 WP(C).No. 20781 of 2014 (W) ----- PETITIONER: ----- RAMA U., AGED 30 YEARS S/O.LATE VITTAPPA POOJARI, NEAR U.P.SCHOOL, UDAYAVAR KANJESWARAM KASARAGOD DISTRICT AND PRESENT ADDRESS C/O.B.NANDA KISHORE ADVOCATE, CHURCH BUILDING, KODIALBAIL MANGALORE. BY ADV. SRI.R.SREEHARI RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT THIRUVANANTHAPURAM - 695 001.

2. PRINCIPAL, SECRETARY, FOOD & CIVIL SUPPLIES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

3. COMMISSIONER, CIVIL SUPPLIES DEPARTMENT, PUBLIC OFFICE BUILDING THIRUVANANTHAPURAM - 695 014.

4. DISTRICT SUPPLY OFFICER, OFFICE OF THE DISTRICT SUPPLY OFFICER, VASANTH NAGAR KASARAGOD - 671 121.

5. TALUK SUPPLY OFFICER, KASARAGOD - 671 121.

6. DISTRICT COLLECTOR, CIVIL STATION, VASANTH NAGAR, KASARAGOD - 671 121.

7. TAHASILDAR, KASARAGOD, KASARAGOD, TALUK OFFICE KASARAGOD - 671 121. R BY GOVERNMENT PLEADER: SRI JOSEPH GEORGE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/08-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 20781 of 2014 (W) 2 APPENDIX PETITIONER(S)' EXHIBITS : -----
EXHIBIT P1. PHOTO COPY OF THE DEATH CERTIFICATE OF THE PETITIONER'S FATHER VITTAPPA POOJARY. EXHIBIT P2. PHOTO COPY OF PURCHASE CERTIFICATE DATED 14/02.1976 ISSUED BY LAND TRIBUNAL, KASARAGOD II. EXHIBIT P3. PHOTO COPY OF THE LETTER DATED 23/05.2012 OF THE 7TH RESPONDENT. EXHIBIT P4. PHOTO COPY OF THE PETITION FILED BEFORE THE 7TH RESPONDENT DATED 29/05.2012. EXHIBIT P5. PHOTO COPY OF THE LETTER DATED 18/08.2012 OF THE 7TH RESPONDENT. EXHIBIT P6. PHOTO COPY OF THE

ORDER

PASSED BY THE DISTRICT SUPPLY OFFICER, KASARAGOD DATED 22/04.2013. EXHIBIT P7. PHOTO COPY OF THE

ORDER

PASSED BY THE DISTRICT COLLECTOR, KASARAGOD DATED 10/04.2014. EXHIBIT P8. PHOTO COPY OF THE APPEAL MEMORANDUM FILED BEFORE THE COMMISSIONER OF CIVIL SUPPLIES DEPARTMENT. EXHIBIT P9. PHOTO COPY OF THE NOTICE DATED 29/11.2012 RECEIVED FROM THE OFFICE OF THE THIRD RESPONDENT. EXHIBIT P10. PHOTO COPY OF THE REPLY DATED 31/07.2014 UNDER RIGHT TO INFORMATION ACT FROM THE STATE INFORMATION OFFICER & UNDER SECRETARY, F & CS DEPARTMENT. RESPONDENT(S)' EXHIBITS: NIL True Copy / P A to Judge

A.MUHAMED MUSTAQUE, J.

===== W.P(C).No. 20781 of 2014
===== Dated this the 27th day of August, 2014

JUDGMENT

Petitioner's father, Vittappa Poojari died on 14.06.2012. Petitioner was the owner in possession and enjoyment of the property in Survey No.94/7 of Udayavar Village, Kasaragod. In O.S.No.36/1983 before the Sub Court, Kasaragod, parties has produced food grains cultivation register in respect of the property of petitioner's father, but in a different name prepared by the officers in the 5th respondent's office. Petitioner therefore sought action against the persons who prepared food grains cultivation register. The 5th respondent sent a reply that the food grains cultivation register is not available in the office and therefore, further action cannot be done. Ext.P6 is the order. Thereafter petitioner preferred Ext.P8 appeal before the 3rd respondent. By Ext.P9, the appeal filed by the petitioner has been forwarded to the second respondent.

2. It appears that the register as such is not available with the 4th respondent. It is open to the second respondent to take appropriate decision in the matter based on Ext.P8. In the facts and circumstances, there shall be a direction to the second respondent W.P(C).No.20781 of 2014 2 to consider Ext.P8 and take appropriate decision after affording an opportunity of being heard to the petitioner within three months from the date of receipt of a copy of this judgment. Writ Petition is disposed of. Sd/- A.MUHAMED MUSTAQUE, JUDGE. Sbna/27/08/14

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