

Sameer M. vs State of Kerala

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Court : Kerala

Decided On : Aug-23-2024

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : WP(C)/32048/2023

Appellant : Sameer M.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
WEDNESDAY, THE 22ND DAY OF NOVEMBER 2023 / 1ST
AGRAHAYANA, WP(C) NO. 32048 OF 2023 PETITIONER: SAMEER M.
AGED 47 YEARS S/O. MOIDEEN RAWTHER MAKKU, AASHIYANA,
JANASAKHY ROAD, VELLOORKUNNAM P.O., MUVATTUPUZHA, BY
ADVS. RINNY STEPHEN CHAMAPARAMPIL ASHA ELIZABETH
MATHEW ANJANA S. RESPONDENTS:

1 STATE OF KERALA REP BY THE SECRETARY, REVENUE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANTHAPURAM, PIN - 2 THE LAND REVENUE
COMMISSIONER LAND REVENUE COMMISIONERATE, PUBLIC

OFFICE BUILDING, MUSEUM ROAD, VIKHAS BHAVAN P.O,
THIRUVANANTHAPURAM, PIN - 695033 3 THE REVENUE
DIVISIONAL OFFICER R.D.O. OFFICE, GROUND FLOOR
PATTIMATTOM- MUVATTUPUZHA ROAD, MUVATTUPUZHA (P.O.), 4
THE VILLAGE OFFICER VILLAGE OFFICE, VELLOORKUNNAM,
MUVATTUPUZHA PIN - 686669 5 THE SUB TREASURY OFFICER
SUB TREASURY OFFICE MUVATTUPUZHA (P.O.),

OTHER PRESENT: GP - SYAMANTHAK B.S. THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 22.11.2023, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: W.P.(C). No.32048 of 2023 :2:

VIJU ABRAHAM, J.

W.P.(C) No.32048 of 2023 Dated this the 22nd day of November, 2023

JUDGMENT

When the matter came up for consideration earlier, the learned Government Pleader upon instructions submitted that a decision regarding approval of the amount to be refunded is to be taken by the Government in view of the amount involved and sought time to get instructions in that regard.

2. When the matter was taken up for consideration today, the

learned Government Pleader upon instructions submitted that the 2nd respondent Land Revenue Commissioner has forwarded a request to the 1st respondent Government as per letter dated 09.01.2023 and the matter is pending consideration before the 1 st respondent.

3. After hearing both sides, I am inclined to dispose of the

writ petition with the following directions: The 1st respondent shall take appropriate decision on the request of the 2nd respondent for approval of sanction of amount on Ext.P6 refund order, at the earliest, at any rate, within an outer W.P.(C). No.32048 of 2023 :3: limit of one month from the date of receipt of a copy of this

judgment and on the basis of the approval order passed by the 1st

respondent, the amount shall be refunded to the petitioner within a further period of three weeks thereafter. With the above said direction, the writ petition is disposed of. Sd/- VIJU ABRAHAM JUDGE sm/ W.P.(C). No.32048 of 2023 :4: APPENDIX OF WP(C) 32048/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE LAND TAX RECEIPT DATED VILLAGE OFFICE Exhibit P2 A TRUE COPY THE APPLICATION DATED BEFORE THE 3RD RESPONDENT Exhibit P3 A TRUE COPY OF ORDER NO. A3- THE 3RD RESPONDENT Exhibit P4 A TRUE COPY OF THE REFUND APPLICATION DATED 19/10/2022 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT Exhibit P5 A TRUE COPY OF THE JUDGMENT DATED C)NO.34156/2022 Exhibit P6 A TRUE COPY OF THE REFUND ORDER DATED Exhibit P7 A TRUE COPY OF G.O. (RT) NO. 3191/2023/RD DATED 03/09/2023 ISSUED BY THE 1ST RESPONDENT

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