

Fousiya Sidheek, vs Musthafa

Fousiya Sidheek, vs Musthafa

SooperKanoon Citation : sooperkanoon.com/1322928

Court : Kerala

Decided On : Apr-12-2024

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : WP(C)/14630/2024

Appellant : Fousiya Sidheek,

Respondent : Musthafa

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946
WP(C) NO. 12907 OF 2024 PETITIONER: MUSTHAF, AGED 53
YEARS S/O ABDULLA, MOOSA MEKANAKATH HOUSE, PONNANI
POST PONNANI TALUK, MALAPPURAM DISTRICT,, PIN - 679577 BY
ADVS. M.DEVESH M.ANUROOP MURSHID ALI M. ABRAHAM RAJU
CYRIAC RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY
ITS SECRETARY TO GOVERNMENT, REGISTRATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,, PIN - 695001

2 TAHSILDAR, TALUK OFFICE PONNANI, PONNANI, 679577, PIN - 679577 3 VILLAGE OFFICER, PONNANI NAGARAM, NEAR TO PONNANI CIVIL STATION, PONNANI,, PIN - 679573 OTHER PRESENT: SR.GP - DEEPA NARAYANAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2024, ALONG WITH WP(C).14630/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P (C) Nos.12907 &14630 of 2024 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946 WP(C) NO. 14630 OF 2024 PETITIONERS: 1 FOUSIYA SIDHEEK, AGED 49 YEARS W/O LATE MOHAMMED SIDHEEK, PAZHAYAPURAKKAL, THERUVATH HOUSE, ESWARAMANGALAM (PO),PONANI, MALAPPURAM DISTRICT,, PIN - 679575 2 MISNA, AGED 23 YEARS PAZHAYAPURAKKAL, THERUVATH HOUSE, ESWARAMANGALAM (PO),PONANI, MALAPPURAM DISTRICT,, PIN - 679575 3 DUNA FATHIMA, AGED 19 YEARS D/O FOUSIYA SIDHEEK, PAZHAYAPURAKKAL, THERUVATH HOUSE, ESWARAMANGALAM (PO),PONANI, MALAPPURAM DISTRICT,, PIN - 679575 4 ABDULLA,(MINOR), AGED 15 YEARS S/O FOUSIYA SIDHEEK, PAZHAYAPURAKKAL, THERUVATH HOUSE, ESWARAMANGALAM (PO), ONANI, MALAPPURAM DISTRICT, REPRESENTED BY HIS MOTHER FOUSIYA SIDHEEK, PIN - 679575 BY ADV M.I.JOHNSON RESPONDENTS: 1 MUSTHAFA, AGED 53 YEARS S/O ABDULLA, MOSSA MEKANATH, PONANI (PO), MALAPPURAM DISTRICT,, PIN - 679577 2 THE INSPECTOR GENERAL OF REGISTRATION, DEPARTMENT OF REGISTRATION, THIRUVANNATHAPURAM, PIN - 695001

W.P (C) Nos.12907 &14630 of 2024 3 3 THE TAHSILDAR, PONANI TALUK,MALAPPURAM DISTRICT,, PIN - 679586 4 THE VILLAGE OFFICER, PONANI NAGARAM VILLAGE, MALAPPURAM DISTRICT,, PIN - 679586 5 THE

SUB REGSITRAR SUB REGISTRAR'S OFFICE, PONANI, MALAPPURAM DISTRICT,, PIN - 679586 6 STATE OF KERALA, REPRESENTED BY THE SECRETARY (REGISTRATION DEPARTMENT), GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM, PIN - 695001 7 THE PRINCIPAL SECRETARY(TAXES-E), GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM,, PIN - 695001 BY SR. GP. DEEPA NARAYANAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.04.2024, ALONG WITH WP(C).12907/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P (C) Nos.12907 &14630 of 2024 4

VIJU ABRAHAM, J.

..... W.P (C) Nos.12907 &14630 of 2024
..... Dated this the 12th day of April, 2024

JUDGMENT

The learned counsel for the petitioners in W.P.(C) No.14630 of 2024 would submit that as per Ext.P1 judgment in R.P.No.258 of 2019 in W.P.(C) No.3102 of 2019 a direction was issued to the 7 th respondent to dispose of the statutory appeal preferred by the petitioners. The grievance raised now by the petitioners is that the appeal has not been disposed of till date. The learned counsel for the petitioner in W.P.(C) No.12907 of 2024 also submits that a direction may be issued to consider the appeal which is directed to be disposed of as per Ext.P1 judgment in R.P.No.258 of 2019 in W.P.(C) No.3102 of 2019, produced in W.P.(C) No.14630 of 2024.

2. Heard the learned Government Pleader also.

Therefore the writ petitions are disposed of with a direction to the 7 th respondent in W.P.(C) No.14630 of 2024 to take up the appeal as directed in Ext.P1 judgment and after affording an opportunity of hearing to the petitioners in both the writ petitions dispose of the same within an outer limit of two months from the date of receipt of a copy of the judgment. Till a W.P (C) Nos.12907 &14630 of 2024 5 decision is taken as directed above, no further proceedings shall be initiated

pursuant to Ext.P9. Sd/- VIJU ABRAHAM JUDGE cks W.P (C) Nos.12907 &14630 of 2024 6 APPENDIX OF WP(C) 12907/2024 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SALE DEED DATED 10.12.2018 Exhibit P2 TRUE COPY OF THE ORDER DATED 10.10.2018 BY THE INSPECTOR GENERAL OF REGISTRATION Exhibit P3 THE TRUE COPY OF JUDGMENT DATED 01.02.2019 IN W.P(C) 3102/2019 Exhibit P4 THE TRUE COPY OF THE APPEAL MEMORANDUM DATED 06.11.2018 FILED BEFORE THE SECRETARY, TAX DEPARTMENT, GOVERNMENT SECRETARIAT Exhibit P5 THE TRUE COPY OF THE ORDER IN R.P.258/2019 IN WP(C)3102/2019 DATED 29.06.2021 Exhibit P6 THE TRUE COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT DATED 09.11.2022 Exhibit P7 THE TRUE COPY OF THE FIR NO.236/2019 DATED 02.05.2019 Exhibit P8 THE TRUE COPY OF THE BASIC LAND TAX RECEIPT ISSUED IN FAVOUR OF THE PETITIONER DATED 20.11.2023 Exhibit P9 THE TRUE COPY OF THE COMMUNICATION BY THE 2ND RESPONDENT DATED 12.02.2024 W.P (C) Nos.12907 &14630 of 2024 7 APPENDIX OF WP(C) 14630/2024 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT, DATED 29-06-2021 IN RP Exhibit P2 A TRUE COPY OF THE ARGUMENT NOTES, DATED 20-05-2022

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