Varkey Varkey vs the State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1347727

Court : Kerala

Decided On : Apr-04-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/9502/2023

Appellant : Varkey Varkey

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 4TH DAY OF APRIL 2023 / 14TH CHAITHRA, 1945 WP(C) NO. 9502 OF 2023 PETITIONER: VARKEY VARKEY AGED 83 YEARS, S/O. VARKEY, VATTOTH HOUSE, VELLIKULAM PO, KOTTAYAM, PIN - 686 580. BY ADVS. BIJU .C. ABRAHAM THOMAS C.ABRAHAM RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,

2 THE STATE SPECIAL OFFICER & COLLECTOR GOVERNMENT LAND RESUMPTION, 3 THE DISTRICT COLLECTOR IDUKKI

DISTRICT, COLLECTORATE, IDUKKI, PIN - 685 603. 4 THE TAHSILDAR PEERMADE TALUK, IDUKKI DISTRICT, PIN - 685 538. 5 THE VILLAGE OFFICER UPPUTHARA VILLAGE, PEERMADE TALUK, IDUKKI DISTRICT, PIN - 685 505. BY ADV SRI. BIMAL K NATH (SR GP) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO.9502 OF 2023 2

JUDGMENT

Admit. Government Pleader takes notice for the respondents.

2. The prayer in the writ petition is to quash Ext.P3

and to direct the 5th respondent to effect mutation and to with respect to the property covered by Ext.P1 without any endorsement, within a time to be fixed by this Court and to accept land tax and issue receipt without any condition. The petitioner places reliance on Exts.P5 to P7 judgments of this Court wherein in similar circumstances, this Court directed the concerned officers to effect the Transfer of Registry of the property of petitioners therein and to issue the revenue certificates without any endorsement. In the light of the directions contained in Exts.P5 to P7 judgments (with which I am in full agreement), the writ petition is allowed. Ext.P3 is quashed. There will be a WP(C) NO.9502 OF 2023 3 direction to the 5th respondent to effect mutation and to with respect to the property of the petitioner covered by Ext.P1, in the prescribed format, at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment. The respondent shall also accept the land tax from the petitioner without imposing any condition. It is made clear that the petitioner will be bound by any proceedings or orders that may be issued by the competent authorities pursuant to any action that may be taken against the land, in accordance with the law. Sd/- GOPINATH P. JUDGE ats WP(C) NO.9502 OF 2023 4 APPENDIX OF WP(C) 9502/2023 PETITIONERS EXHIBITS Exhibit P1 RUE COPY OF THE GIFT DEED NO. 941/1983 DATED Exhibit P2 THE TRUE COPY OF THE TAX RECEIPT DATED 27/10/2022 EVIDENCING THE PAYMENT OF BASIC TAX FOR THE YEAR 2022-2023 Exhibit P3 TRUE COPY OF THE LETTER ISSUED BY THE 5TH

RESPONDENT DATED 25/2/2023 Exhibit P4 TRUE COPY OF THE PROCEEDINGS NO. GLR(LR) OFFICER & COLLECTOR Exhibit P4 (a) A TRUE COPY OF THE GO NO. 172/2019 ISSUED BY THE 1ST RESPONDENT ON 6/6/2019 Exhibit P5 TRUE COPY OF THE JUDGMENT DATED 7/11/2018 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 40002/2016 Exhibit P6 TRUE COPY OF THE JUDGMENT DATED 18/2/2019 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 4647/2019 Exhibit P7 A TRUE COPY OF JUDGMENT DATED 8/09/2021 IN W.P. (C). NO. 16908/2021