

Aji K.K. vs the Thahasildar

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Court : Kerala

Decided On : Apr-07-2022

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/1056/2020

Appellant : AJI K.K.

Respondent : The Thahasildar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 7TH DAY OF APRIL 2022 / 17TH CHAITHRA, 1944
PETITIONERS:

1 AJI K.K. AGED 32 YEARS S/O.KRISHNANKUTTY A. (LATE),
KANNANKUNNIL PADINJARECHARUVIL, PARANTHAL P.O.,
PANDALAM, PANDALAMTHEKKEKARA VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT, PIN-689501. 2 ASWATHY K.K., AGED
30 YEARS D/O.KRISHNANKUTTY A. (LATE), KANNANKUNNIL
PADINJARECHARUVIL, PARANTHAL P.O., PANDALAM,
PANDALAMTHEKKEKARA VILLAGE, ADOOR TALUK,

PATHANAMTHITTA DISTRICT, PIN-689501. BY ADV
K.K.SETHUKUMAR

RESPONDENTS:

1 THE THAHASILDAR TALUK OFFICE, KONNI, PATHANAMTHITTA DISTRICT - 689691. 2 THE VILLAGE OFFICER, VILLAGE OFFICE, VALLIKODU, PATHANAMTHITTA DISTRICT -689648. 3 PUSHPAVALLY AGED 48 YEARS PARAYILMELETHIL, VAZHAMUTTAM EAST P.O., MALLASSERI, PATHANAMTHITTA DISTRICT - 689 646. 4 ADDL.R4.THE VILLAGE OFFICER, VILLAGE OFFICE, PANDALAM, THEKKEKARA, PATHANAMTHITTA DISTRICT - 689501 (ADDL.R4 IS IMPEADED AS PER ORDER DATED 07.02.2020 IN IA 1/2020).

BY ADVS. SMT.DEEPA NARAYANAN, SENIOR GOVERNMENT PLEADER SRI.JAMES ABRAHAM (VILAYAKATTU) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: P.V.KUNHIKRISHNAN, J -----
W.P.(C)No. 1056 of 2020 ----- Dated this the 7th day of April, 2022

JUDGMENT

The above writ petition is filed with the following prayers: (i) issue a writ of mandamus or other appropriate writs or orders directing the 1 st respondent to consider Exhibits P5 application and issues the legal heirship certificate without further delay:

(ii) issue a writ of mandamus or other

appropriate writ, direction or orders to the 2 nd respondent to comply the directions in Exhibit-P5 application issued by the 1st respondent without further delay: and

(iii) pass such other writ, direction or order

which this Hon'ble Court may deem fit and proper with the facts and circumstances of the case.[SIC]

2. Today when this writ petition came up for

consideration, the learned counsel appearing for the petitioner submitted that, he will be satisfied if there is a direction to the 1st respondent to consider Ext.P5 application. The counsel appearing for the 3rd respondent submitted that, 3rd respondent also may be directed to be heard before passing final order by the 1st respondent. The learned Government Pleader submitted that the 1st respondent will pass appropriate orders in accordance to law. In the light of the above submission, this writ petition can be disposed of in the following manner: i. The 1st respondent is directed to consider and pass appropriate orders in Ext.P5, as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this judgment. ii. Before passing final orders, the 1st respondent will give an opportunity of hearing to the petitioner and the 3rd respondent. iii. I make it clear that I have not considered the matter on merit and the 1st respondent is free to pass appropriate orders in accordance to law. Sd/- P.V.KUNHIKRISHNAN JUDGE DM APPENDIX OF WP(C) 1056/2020 PETITIONER EXHIBITS EXHIBIT P1 TRUE PHOTO COPY OF THE BIRTH CERTIFICATE OF THE 1ST PETITIONER DATED 28.10.2019. EXHIBIT P2 TRUE PHOTO COPY OF THE BIRTH CERTIFICATE OF THE 2ND PETITIONER DATED 29.10.2019. EXHIBIT P3 TRUE PHOTO COPY OF THE CERTIFICATE ISSUED BY THE MUNICIPAL SECRETARY, PATHANAMTHITTA. EXHIBIT P4 TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTH & DEATH, PATHANAMTHITTA MUNICIPALITY. EXHIBIT P5 TRUE PHOTO COPY OF THE APPLICATION GIVEN TO 1ST RESPONDENT. RESPONDENTS EXHIBITS :NIL //TRUE COPY// PA TO JUDGE

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