

Joseph Joseph vs State of Kerala

Joseph Joseph vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1540848

Court : Kerala

Decided On : Jan-12-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/25747/2021

Appellant : Joseph Joseph

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
WEDNESDAY, THE 12TH DAY OF JANUARY 2022 / 22ND POUSHA, 1943
WP(C) NO. 25747 OF 2021 PETITIONERS:

1 JOSEPH JOSEPH AGED 54 YEARS S/O JOSEPH, PUTHIYATHU, KANAMALA.P.O, KOTTAYAM DISTRICT, 2 SEBASTIAN P.J, AGED 60 YEARS S/O JOHN, PUTHUPPARAMBIL, KANAMALA.P.O, KOTTAYAM DISTRICT, 3 KURUVILA CHACKO, AGED 57 YEARS S/O.CHACKO, THAZHATHUPEEDIKAYIL, KANAMALA.P.O, 4 ROY P.ANTO, AGED 47 YEARS S/O.MATHEW, PUTHIYATHU, KANAMALA.P.O, KOTTAYAM DISTRICT,PIN-686510. 5 DOMINIC FRANCIS,, AGED 77 YEARS

S/O.FRANCIS, KARIMBLANIYIL, KANAMALA.P.O, KOTTAYAM DISTRICT, 6 JOHN MATHAI, AGED 62 YEARS S/O.MATHAI, THAZHACKAL, KANAMALA.P.O, KOTTAYAM DISTRICT,PIN-686510. 7 VALSAMMA PAUL, AGED 57 YEARS W/O.PAUL, KOCHUPOOVATHUMOOTTIL, KANAMALA.P.O,

8 SAJIMON JOSEPH, AGED 49 YEARS S/O.JOSEPH, KULANGARA, KANAMALA.P.O, KOTTAYAM DISTRICT, 9 THOMAS P.P, AGED 51 YEARS S/O.P.J.PAULOSE, PANTHAPLAKKATTIL, KANAMAL.P.O, KOTTAYAM DISTRICT, 10 SIBY JOSEPH, AGED 42 YEARS S/O.JOSEPH ABRAHAM, ALAPPATTU, KANAMALA.P.O, KOTTAYAM DISTRICT-686510. 11 JOSEPH ABRAHAM, AGED 78 YEARS S/O.ABRAHAM JOSEPH, ALAPPATTU, KANAMAL.P.O, KOTTAYAM DISTRICT-686510. 12 BINOY.A.J, AGED 45 YEARS S/O JOSEPH ABRAHAM, ALAPPATTU, KANAMALA.P.O, KOTTAYAM DISTRICT, 13 ABRAHAM JOSEPH, AGED 64 YEARS S/O.JOSEPH, KULANGARA, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 14 A.C THOMAS, AGED 78 YEARS S/O.CHACKO, ARIPARAMBIL, KANAMALA.P.O,

KOTTAYAM DISTRICT, PIN-696510. 15 VARHGHESSE CHACKO, S/O CHACKO, ARIPPARAMBIL, KANAMALA.P.O,KOTTAYAM DISTRICT, 16 MANI, S/O.DEVASIA, KURUKILUMKATTIL, KANAMALA.P.O, 17 RATHAMMA, S/O.SISUPALAN, KUMBLANICKAL, KANAMALA.P.O, KOTTAYAM DISTRICT, 18 NARAYANA PILLAI, AGED 80 YEARS S/O.KUTTAN PILLAI, VALIPLACKAL, KANAMALA.P.O, KOTTAYAM DISTRICT, 19 K.J.MATHEW, AGED 69 YEARS S/O.JOSEPH, KULANGARA, KANAMALA.P.O, KOTTAYAM DISTRICT, 20 THOMAS.V.J, AGED 70 YEARS S/O.JOSEPH VARGHESE,VECHOOPADIINJARETHIL, KANAMALA.P.O, KOTTAYAM DISTRICT,

21 PRASAD P.K, AGED 44 YEARS S/O.P.C.KUTTAPPAN, PULICKAL HOUSE, KANAMALA.P.O, KOTTAYAM DISTRICT,PIN-686510. 22 SHAHUL HAMEED, AGED 50 YEARS S/O.KASSIM, KIZHAKKECHUDUKATTIL, KANAMALA.P.O, KOTTAYAM DISTRICT, 23 JOSEPH PAULOSE, AGED 63 YEARS S/O PAULOSE, PANTHAPLAKATTIL, KANAMALA.P.O, KOTTAYAM DISTRICT, 24 T.K.ALEXANDER, AGED 81 YEARS S/O.KURUVILA, THAZHATHUPEEDIKAYIL, KANAMALA.P.O, 25 SHAJI ALEX, AGED 51 YEARS S/O.ALEXANDER,THAZHATHUPEEDIKAYIL, KANAMALA.P.O, KOTTAYAM DISTRICT, 26 THANKAMMA, AGED 54 YEARS W/O.THANKAPPAN, PULICHIMACKAL,KANAMALA.P.O, KOTTAYAM DISTRICT, 27 THOMAS EAPEN, AGED 71 YEARS

S/O.EAPEN, PAYYAMPALLIL,KANAMALA.P.O, KOTTAYAM DISTRICT-686510. 28 THOMAS SEBASTIAN, AGED 51 YEARS S/O.DEVASIA, KURUKULUMKATIL, KANAMALA.P.O, 29 SANTHOSH V.K, AGED 47 YEARS S/O.KUNUMON, VALIYAKALLUMKAL, KANAMALA.P.O, 30 KRISHNANKUTTY, AGED 53 YEARS S/O.KUNJOONJU, EDAMANNIL, KANAMALA.P.O, 31 SARASAMMA VENUGOPALAN, AGED 54 YEARS W/O.VENUGOPALAN, W/O.VENUGOPALAN, VEENA BAHAVAN, KANAMALA.P.O, 32 V.M.PRABHAKARAN, AGED 71 YEARS S/O.MADHAVAN, VANDENMACKAL, KANAMALA.P.O, 33 LEELAMMA RAJU, AGED 58 YEARS W/O.RAJU, KAVUMKAL, KANAMALA.P.O, 34 GIRISHKUMAR.K.S, AGED 46 YEARS S/O.K.N.SREEDHARAN, KOROTHU HOUSE, KANAMALA.P.O,

35 GEORGE JOSEPH, AGED 48 YEARS S/O.JOSEPH, CHAMAKKALAYIL, KANAMALA.P.O, 36 ANNA GEORGE, AGED 53 YEARS W/O.GEORGE JOSEPH, KULANGARA, KANAMALA.P.O, 37 JESSY PAULOSE, AGED 46 YEARS W/O.SEBASTIAN THOMAS, KALAPARAMBIL, KANAMALA.P.O, 38 USHA REGHUNATH, AGED 53 YEARS W/O.REGHUNATH,THONIPLAVIL, KANAMALA.P.O, 39

V.P.ABRAHAM, S/O.PHILIPOSE,VATTAMATTATHIL, KANAMALA.P.O,
40 JOJI JOSEPH, AGED 45 YEARS W/O.JOSEPH MANI, VATTODIYIL,
KANAMALA.P.O, 41 GRACYKUTTY THOMAS, AGED 61 YEARS
W/O.THOMAS CHACKO, KUNNEL HOUSE, KANAMALA.P.O, 42
ANNAMMA JOSEPH,

AGED 69 YEARS W/O.JOSEPH, ENAMATTATHIL, KANAMALA.P.O, 43
EMMANUEL K.J, AGED 47 YEARS S/O.JOSEPH, KURUKILUMKATTIL,
KANAMALA.P.O, 44 RAGHU K.S, AGED 45 YEARS
S/O.K.A.SREEDHARAN, KALLOLICKEL, KANAMALA.P.O, 45 JOSEPH
VARGHESE, S/O.VARGHESE, KALLAMMACKAL, KANAMALA.P.O, 46
M.K THANKAPPAN, AGED 54 YEARS S/O.KUTTAPPAN,
,MUKKALIPLACKAL, KANAMALA.P.O, 47 TOM VARGHESE, AGED 41
YEARS S/O.VARGHESE, KALAPARAMBIL,KANAMALA.P.O, 48 JOSE
A VARKEY, AGED 67 YEARS S/O.VARKEY, ALAPPATTU,
KANAMALA.P.O, 49 K.T.VARGHESE, S/O.THOMAS, KALAPARAMBIL,
KANAMALA.P.O,

50 SANTHOSH CHERIYAN, AGED 46 YEARS S/O.CHERIYAN,
THENAKARAYIL, KANAMALA.P.O, 51 MALLIKA MICHAEL, AGED 54
YEARS W/O.MICHAEL, THINAVILAYIL, KANAMALA.P.O, 52 THOMAS
CHACKO, AGED 52 YEARS S/O.CHACKO, KURUKILUMKATTIL,
KANAMALA.P.O, 53 THOMAS DEVASIA, S/O.DEVASIA,
CHOONDIYANIPURATHU,KANAMALA.P.O, 54 SEBASTIAN, AGED 53
YEARS S/O.ANTONY, VETICKALOLICKAL, KANAMALA.P.O, 55
SAJEEV K.GEORGE, AGED 47 YEARS S/O.GEORGE,
KOLANTHANVAYALIL, KANAMALA.P.O, 56 ANNAMMA MATHEW,
AGED 68 YEARS W/O.MATHEW, PUTHIYATHU,KANAMALA.P.O, 57
VARGHESE, S/O.VARGHESE, MELETTU, KANAMALA.P.O,

58 JOSEPH.K.V AGED 52 YEARS S/O.VARGHESE, KALARICKAL,
KANAMALA.P.O, 59 BIJI ANISH, AGED 39 YEARS W/O.ANISH,

CHERUVIL, KANAMALA.P.O, 60 RUBY, AGED 38 YEARS
W/O.JOSEPH.K.J, KURUKILUMKATTIL, KANAMALA.P.O, 61
MOHANAN.P.R, AGED 59 YEARS S/O.RAGHAVAN,
PURAYIDATHIL,MKKOTTUTHARA.P.O, 62 M.V.APPUKUTTAN, AGED
77 YEARS S/O.VELLON, MADAMALA VEEDU, KANAMALA.P.O, 63
JOSHY P.ANTONY, AGED 46 YEARS
S/O.ANTONY,PANTHALLOOPARAMBIL, KANAMALA.P.O, 64
THOMAS.N.C, AGED 68 YEARS S/O.CHACKO, NAIPURAYIDATHIL,
KANAMALA.P.O, MARIYAMMA JOSEPH, AGED 43 YEARS

65 W/O.JOSEPH MATHEW, VADYAMALAYIL, KANAMALA.P.O, 66
JOSEPH SEBASTIAN, AGED 47 YEARS S/O.DEVASSY, KALIYANIYIL,
KANAMALA.P.O, 67 MOLLY THOMAS, AGED 49 YEARS
W/O.THOMAS.P.T,PURAYIDATHIL, KANAMALA.P.O, 68 GEORGE
CHERIAN, AGED 66 YEARS S/O.K.V.GEORGE, MECHERIMADATHIL,
KARINILAM.P.O, KOTTAYAM DISTRICT,PIN-686510. 69 ANTO
JOSEPH, AGED 56 YEARS S/O.JOSEPH,
KOTTANALLOOR,KANAMALA.P.O, 70 MARIYAMMA, AGED 55 YEARS
W/O.ANTONY.P.J,POOVATHANIKUNNEL, KANAMALA.P.O, 71
MARIYAMMA JOHN, AGED 69 YEARS W/O.JOHN, KULANGARA,
KANAMALA.P.O, 72 SHAHUL HAMMEED, AGED 37 YEARS
S/O.SALIM, MALIKAVEETIL, KANAMALA.P.O, 73 DEEPA,

AGED 37 YEARS W/O.SOJIMON.P.S,UDUMPACKEL, KANAMALA.P.O,
KOTTAYAM DISTRICT-686510. 74 JOHNY K.J, AGED 52 YEARS
S/O.K.C.JOHN, KOTTOTTU, KANAMALA.P.O, 75 JANCY CHERIAN,
AGED 48 YEARS W/O.CHERIAN, PUTHIYATHU, KANAMALA.P.O, 76
MARYKUTTY, AGED 70 YEARS W/O.THOMAS,
KAROTTUVECHOOOR,KANAMALA.P.O, 77 MARIYAMMA ABRAHAM,
W/O.ABRAHAM, KOLLARICKEL, KANAMALA.P.O, 78 THOMAS
ANTONY, AGED 52 YEARS S/O.ANTONY, PANTHALLOORPARAMBIL,
KANAMALA.P.O,

KOTTAYAM DISTRICT,PIN-696510. 79 THRESIAMMA, W/O.ANTONY JOHN, ADIMAKKEL, KANAMALA.P.O, 80 ANTONY JOSEPH, AGED 62 YEARS S/O.JOSEPH, PATTUMANNIL, KANAMALA.P.O,

81 MATHAI V.M, AGED 62 YEARS S/O.YOHANNAN, VADYAMALAYIL, KANAMALA.P.O, 82 JOSEPH P.J, AGED 70 YEARS S/O.JOSEPH, PUTTUMANIL,KANAMALA.P.O, 83 GEORGE V.A, AGED 69 YEARS S/O ANTONY, VETTICKALOLICKAL, KANAMALA.P.O, 84 ANTONY ANTONY, AGED 55 YEARS S/O.ANTONY, VETTICKALOLICKAL, KANAMALA.P.O, 85 ANITHA VIJAYAN, AGED 50 YEARS W/O.VIJAYAN, POOKKULAPARAMBIL, KANAMALA.P.O, 86 SEBAN P.TOM, AGED 48 YEARS S/O.THOMAS, PANAPPARAMBIL, KANAMALA.P.O, 87 THOMAS GEORGE, S/O.GEORGE, PUTHENPURACKAL, KANAMALA.P.O, 88 OUSEPH VARGHESE,

S/O.VARGHESE, KALARICKAL, KANAMALA.P.O, 89 CHRISTINA JOSEPH, W/O.JOSEPH, KALARICKEL, KANAMALA.P.O, 90 SINI GEORGE, AGED 48 YEARS W/O.GEORGE MATHEW, NEDUMTHAKADIYIL, KANAMALA.P.O, 91 JOHN JOHN, AGED 72 YEARS S/O.JOHN, ADIMACKKEL, KANAMALA.P.O, 92 LISAMMA, AGED 50 YEARS W/O.SHIBU.P.S, POOVATHODU, KANAMALA.P.O, 93 C.J SEBASTIAN, AGED 64 YEARS S/O.JOSEPH, CHUKKANANIYIL, KANAMALA.P.O, 94 SABU JACOB, AGED 49 YEARS S/O.CHACKO.P.V, PLAVANAKKUZHIYIL, PAMPAVALLEY NORTH.P.O, KOTTAYAM DISTRICT,PIN-686510. 95 KUNJUMON, S/O.THOMAS, MATTEL, KANAMALA.P.O,

96 MATHEW JOSEPH, S/O.JOSEPH, PUTHIYATHU, KANAMALA.P.O, 97 ALEYKUTTY ABRAHAM, AGED 85 YEARS W/O.ABRAHAM DOMINIC, CHUKKNANIYIL, KANAMALA.P.O, 98 VARGHESE, AGED 61 YEARS S/O.THOMAS,KAROTTUVECHOOR, THULAPPALLY.P.O, 99 THOMAS K.C, AGED 60 YEARS S/O.CHACKO, KAKKANATTU,

THULAPPALLY.P.O, KOTTAYAM DISTRICT, 100 CHACKO C.C, AGED 60 YEARS S/O.CHACKO, CHETTAYIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 101 ULAHANNAN, AGED 66 YEARS S/O.ULAHANNAN, VENGATHANAM, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 102 P.S VISWANATHAN, AGED 62 YEARS S/O.SREEDHARAN, PUTHUPARAMBIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 103 ANTONY MATHAI,

AGED 67 YEARS S/O.MATHAI, PUTHENVEETIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 104 SIBY CHACKO, AGED 47 YEARS S/O.CHACKO, KAKKANATTU, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 105 XAVIER SEBASTIAN, AGED 69 YEARS S/O.SEBASTIAN,MANNAMPARAMBIL, KANAMALA.P.O, 106 JOSEPH THOMAS, AGED 57 YEARS S/O.THOMAS, KARUVALLIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 107 THRESIAMMA, AGED 68 YEARS W/O.JACOB, PUTHIYATHU, KANAMALA.P.O, KOTTAYAM DISTRICT, 108 ANTO M JOSEPH, AGED 46 YEARS S/O JOSEPH, MELEMURIYIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 109 THOMAS P.J, AGED 45 YEARS S/O.JOSEPH, PULICKIYIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 110 SOJI THOMAS, AGED 49 YEARS S/O.THOMAS, VALAYATHU, THULAPPALLY.P.O,

KOTTAYAM DISTRICT,PIN-686510 111 LUCY DOMINIC, AGED 63 YEARS W/O.DOMINIC, PUTTUMANNIL, KANAMALA.P.O, KOTTAYAM DISTRICT,PIN-686510. 112 KAMALAKSHI SUKUMARAN, AGED 74 YEARS W/O.SUKUMARAN, KOCHUPARAMBIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 113 JOSEPH VARGHESE, ` AGED 75 YEARS S/O.VARGHESE, PARACKAL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 114 P.J.MATHEW, AGED 75 YEARS S/O.VARGHESE, PARACKAL, THULAPPALLY.P.O, KOTTAYAM DISTRICT,PIN-686510 115 SEBASTIAN N.J, AGED 55

YEARS S/O.JOSEPH, NADUVILEDETH, 116 JOSEPH JOSEPH, AGED 64 YEARS S/O.JOSEPH, NADUVILEDETH, 117 JOSEPH CHACKO, AGED 70 YEARS S/O.CHACKO, NAIPURAYIDATHIL, 118 THOMAS K.J,

AGED 62 YEARS S/O.JOHN,KANNALIL, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 119 SHOY JOSEPH SEBASTIAN, AGED 57 YEARS S/O.SEBASTIAN,MANNAMPARAMBIL, 120 PHILIP.K.P, AGED 59 YEARS S/O.PHILIPOSE, KANNEVILAYIL, 121 REGHUNATHAN.K, AGED 52 YEARS SO.KUTTAPPAN, UDUMPACKAL, 122 THOMAS JOSEPH, S/O.JOSEPH, KARIMBIL, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 123 P.J.MARKOSE, AGED 66 YEARS S/O.JOHN, PALLITHAZHE, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 124 JEEVAN S.KANDATHIL, AGED 35 YEARS S/O.SEBASTIAN, KANDATHIL, MUKKOTTUTHARA.P.O, KOTTAYAM DISTRICT, 125 A.J KURIAN, AGED 61 YEARS S/O.ANTONY, AKKATTU, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510.

126 OMANA SASI, AGED 62 YEARS W/O.SASI, PALAMMOOTIL, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 127 JOHNY VARGHESE, S/O.VARGHESE, NIRAPPUKANDATHIL, 128 JOSEPH K.A, AGED 63 YEARS S/O.ANTONY, AKKATTU, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 129 JIJO JOSEPH, AGED 43 YEARS S/O.JOSEPH, PAYYAMPALLIL, 130 SASIKUMAR P.C, AGED 69 YEARS S/O.CHELLAPPANACHARY, PAYYARAPPALLIL, 131 BINU P.N, AGED 38 YEARS S/O.NARAYANAN, PALAMMOOTIL, 132 SALIKUMAR, AGED 54 YEARS SO.RAGHAVAN, PERAKATHU, THULAPPALLY.P.O, 133 AMMINI SIVARAMAN, AGED 75 YEARS W/O.SIVARAMAN, KUNNUMPURATHU, THULAPPALLY.P.O,

134 MARIAMMA JOSEPH, AGED 79 YEARS W/O.JOSEPH, KADAVANAL, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 135 THOMAS JOSEPH, AGED 75 YEARS SO.JOSEPH, PUTHENPURACKAL, THULAPPALLY.P.O,KOTTAYAM DISTRICT, 136 ANTONY THOMAS, AGED 52 YEARS S/O.THOMAS, NALLEPARAMBIL, 137 MEENAKSHIAMMA, AGED 73 YEARS W/O.THANKAPPAN, TKHONIYAMKUZHIYIL, THULAPPALLY.P.O, 138 REMA, AGED 46 YEARS W/O.MADHU.T.T, THONIYAMKUZHIYIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT, PIN-686510. 139 ABRAHAM JOSEPH, AGED 61 YEARS S/O.JOSEPH, CHUKKANANYIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT, 140 RAJU.C.O, AGED 53 YEARS

S/O.OUTHAKUTTY, CHEERACHEMBIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT, 141 ANNAMMA P.M, AGED 60 YEARS W/O.PETER, MAROTTIMOTTIL, THULAPPALLY.P.O, KOTTAYAM DISTRICT-686510. 142 SOJAN GEORGE, AGED 46 YEARS S/O.GEORGE, KOCHACHENIL, PACHADY.P.O,KOTTAYAM DISTRICT,PIN-686553. 143 VARGHESE MATHEW, AGED 70 YEARS S/O.MATHEW, KOVUKUNNEL, THULAPPALLY.P.O, KOTTAYAM DISTRICT, PIN-686510. 144 SABU JOHN, AGED 58 YEARS S/O.JOHN, PUTHUPPARAMBIL, KANAMALA.P.O, 145 LISSY JOSEPH, AGED 61 YEARS W/O.JOSEPH, PUTHUPPARAMBIL, 146 CHACKO N.C, S/O.CHACKO, NAIPURAYIDATHIL, 147 ALEYAMMA SEBASTIAN, AGED 61 YEARS W/O.P.J.SEBASTIAN, POTTANANICKEL,

148 SOLLY BINOY, AGED 44 YEARS W/O.BINOY,MANNAMPARAMBIL, 149 ALEYKUTTY, W/O.CHACKO, OLICKEL, KANAMALA.P.O,KOTTAYAM DISTRICT,PIN-686510. 150 K.V SIBY, AGED 56 YEARS S/O.VARGHESE, KAYAPLACKAL, KUMARANELLOOR.P.O, KOTTAYAM DISTRICT, 151 ALEYKUTTY, AGED 61 YEARS W/O.PHILIP, KUNNATHU,

THULAPPALLY.P.O,KOTTAYAM DISTRICT,PIN-686510. 152 LISSY THOMAS, AGED 42 YEARS W/O.THOMAS.K.J, KULANGARA, 153 JOSEPH ABRAHAM, S/O.ABRAHAM, VILANGUPARA, BY ADVS. T.R.HARIKUMAR ARJUN RAGHAVAN

RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN-695001. 2 THE DISTRICT COLLECTOR, COLLECTORATE, KOTTAYAM DISTRICT,PIN-686001. 3 THE TAHSILDAR, KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT,PIN- 686507. 4 THE VILLAGE OFFICER ERUMELI SOUTH VILLAGE, KOTTAYAM DISTRICT,PIN- 686509. THE DEPUTY DIRECTOR OF SURVEY, KOTTAYAM Addl R5 ADDITIONAL R5: SUO MOTU IMPEADED AS PER THE

ORDER DATED 20.12.2021 IN WP(C) 25747/2021

SRI. JAFAR KHAN SR.G.P. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 12th day of January, 2022. The petitioners have approached this Court seeking a direction to the fourth respondents to receive the land tax with respect to the property owned by them - the details of which are stated in this writ petition - asserting that the transfer of Registry over the same has already been effected in their favour and that they have been remitting land tax thereon in the past.

2. The petitioners say that the only reason now

stated by the fourth respondent, in refusing to accept land tax over the property in question, is that the online portal for E-Payment maintained by the department is in error and that it will require at least six months time to rectify the same.

3. The petitioners submit that they have an

emergent requirement to remit land tax on the properties, because they have to renew their loan, which has been availed on its strength; and therefore, pray that the fourth respondent be directed to receive land tax from them manually, until such time as the E-Portal becomes functional.

4. The afore submissions of Sri.T.R.Harikumar -

learned counsel for the petitioners, were considered by this Court on 23.12.2021 and after hearing the learned Senior Government Pleader also, I issued the following interim order:

The learned Senior Government Pleader submits that he is yet to obtain instructions, in spite of several communications being issued to the official respondents. In the afore circumstances, I direct the 4th respondent - Village Officer to receive the Land Tax with respect to the property involved in this case and issue necessary Tax Receipt for the same, however, making it clear that this will not confer any additional right to the petitioners either in law or in equity and that if the writ petition is to end against him remittance of the tax will

be of no consequence at all. Needless to say, the afore liberty to the petitioners is subject to the survey and such other proceeding carried on by the physical respondents.

5. Sri.T.R.Harikumar says that in spite of the afore interim order, the fourth respondent has not permitted his clients to remit land tax and prayed that he be directed to do so without any further delay.

6. Sri.Jaffar Khan - learned Senior Government

Pleader, submitted that though the afore interim order

will be complied with by the fourth respondent, liberty may be reserved to the competent Authorities to conduct the resurvey and if any rectification is found necessary thereafter, the petitioners may be directed to cooperate with the same. In the afore circumstances and taking note of the rival submissions, I order this writ petition and confirm the above extracted interim order dated 23.12.2021; with a consequential direction to the fourth respondent to accept the land tax from the petitioners as and when it is tendered by them without any delay. As far as resurvey of the properties is concerned, I leave full liberty to the competent Authority to do so; and should there is any alteration in the attributes of the petitioners land thereafter, they will be bound by the same, subject to their available remedies in law and I clarify that the directions in this judgment will not afford them any special right - either in law or in equity. Sd/- DEVAN RAMACHANDRAN JUDGE Raj/12.01.2022. APPENDIX OF WP(C) 25747/2021 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE ORDER G.O. (MS)NO.502/2015/REV.DATED 28.09.2015. Exhibit P2 A TRUE COPY OF THE PATTA ISSUED TO THE 50TH PETITIONER DATED 12.02.2016. Exhibit P3 A TRUE COPY OF THE PATTA ISSUED TO THE 83RD PETITIONER DATED 25.02.2016. Exhibit P4 A TRUE COPY OF THE PATTA ISSUED TO THE 87TH PETITIONER DATED 25.02.2016. Exhibit P5 A TRUE COPY OF THE PATTA ISSUED TO THE 122TH PETITIONER DATED 12.02.2016 AND 25.02.2016. Exhibit P6 A TRUE COPY OF THE THANDAPER REGISTER OF THE 3RD PETITIONER, MAINTAINED WITH THE 4TH RESPONDENT. Exhibit P7 A TRUE COPY OF THE THANDAPER REGISTER OF THE 4TH PETITIONER, MAINTAINED WITH THE 4TH RESPONDENT. Exhibit P8 A TRUE COPY OF THE THANDAPER REGISTER OF THE 5TH PETITIONER, MAINTAINED WITH THE 4TH RESPONDENT. Exhibit P9 A TRUE COPY OF THE THANDAPER REGISTER OF THE 49TH PETITIONER, MAINTAINED WITH THE 4TH RESPONDENT. Exhibit P10 A TRUE COPY OF THE COMMUNICATION

NO.R6.33495/2000 DATED 20.01.2021 FORWARDED BY THE DISTRICT COLLECTOR, KOTTAYAM TO THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT. Exhibit P11 A TRUE COPY OF THE ORDER IN

H.R.M.P.NO.5806/11/7/2020/K.T.M.DATED 10.03.2021 OF THE KERALA STATE
HUMAN RIGHTS COMMISSION.

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