

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937**

**WP(C).No. 27223 of 2015 (C)**  
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**PETITIONER:**  
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**BHANU PRAKASH V.PAI,  
S/O.LATE G.V.PAI, DIRECTOR,  
GARDEN RICH, HOLIDAY HOMES (P) LTD,  
M.G.ROAD, ERNAKULAM.**

**BY ADVS.SRI.K.REGHU KOTTAPPURAM  
SRI.M.MUKESH  
SRI.R.MAHESH (KOTTAPPURAM)  
SRI.MURUKESH REGHU**

**RESPONDENT(S):**  
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- 1. THE VILLAGE OFFICER, CHINNAKKANAL VILLAGE,  
UDUMBANCHOLA TALUK, DIST. IDUKKI - 685 554.**
- 2. THE SPECIAL TAHASILDAR (LA),  
RAJAKUMARI, RAJAKKAD P.O.,  
UDUMBANCHOLA TALUK, DIST. IDUKKI - 685 566.**
- 3. THE DISTRICT COLLECTOR,  
IDUKKI DISTRICT, IDUKKI - 685 603.**

**BY SPECIAL GOVT. PLEADER SMT.SUSHEELA R.BHAT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30-09-2015 ALONG WITH WPC.25753/2015, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:**

**mbr/**

**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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- P1: A PHOTOCOPY OF SALE DEED NO.1173/1996 DATED 23/3/1996.
- P2: A PHOTOCOPY OF PATT A VIDE LA NO.107/93/K DATED 15/7/1994.
- P3: A PHOTOCOPY OF PATT A VIDE LA NO.104/93/C DATED 14/7/1994.
- P4: A PHOTOCOPY OF ORDER VIDE G.O.(P) NO.456/2010/ RD DATED 16/11/2010.
- P5: A PHOTOCOPY OF RECEIPT NO.114 DATED 7/12/2010 ISSUED BY THE  
1ST RESPONDENT.
- P6: A PHOTOCOPY OF RECEIPT NO.113 DATED 7/12/2010 ISSUED BY  
1ST RESPONDENT.
- P7: A PHOTOCOPY OF ENCUMBRANCE CERTIFICATE FOR THE PERIOD 21/5/1982  
TO 19/9/1998 DATED 19/9/1998 COVERING P1 PROPERTY.
- P8: A PHOTOCOPY OF JUDGMENT DATED 18/11/2013 IN WPC NO.21203/2013.
- P9: A PHOTOCOPY OF JUDGMENT DATED 28/7/2015 IN WPC NO.19367/2015.

**RESPONDENTS' EXHIBITS:** NIL.

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**A.MUHAMED MUSTAQUE, J.**

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W.P.(C).Nos. 25753 & 27223 of 2015  
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Dated this the 30<sup>th</sup> day of September, 2015

**J U D G M E N T**  
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Petitioners in these two writ petitions claim the title for the land referred in the writ petitions based on the pattas issued to the predecessor in interest of the petitioners. These pattas impose restriction regarding alienation. Thereafter, the Government amended The Kerala Land Assignment (Regularisation of occupation of Forest Land prior to 1.1.1977) (hereinafter referred to as 'Rules' for short) permitting alienation of land, which stipulates as follows:

*"The lands assigned to be heritable and alienable:- The lands assigned under these rules shall be heritable and alienable, subject to the condition that the alienated land shall not be used for any purpose other than those specified in rule 3."*

2. Therefore, the petitioners submit that they have right of alienation and necessary endorsement shall be made in the pattas regarding the alienation in the light of

the above amended Rule.

3. In view of the similar judgment of this Court, there shall be a direction to the Special Tahasildar (L.A.) to make necessary endorsement in the pattas in the light of amended Rules to the effect of land in question is heritable and alienable. Needful shall be done by the Special Tahsildar (L.A.) within a period of two months from the date of receipt of a copy of this judgment. It is made clear that it is without prejudice to the officials to conduct any enquiry as to the genuineness or validity of the pattas.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,  
JUDGE**

jm/