

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942

WP(C).No.30456 OF 2013(F)

PETITIONER:

KUMARI RAJAN, W/O RAJAN
AGED 48 YEARS
KUZHIKULAM HOUSE, P.O.MUTTITHADI, THRISSUR

BY ADV. SMT.P.R.REENA

RESPONDENTS:

- 1 DISTRICT COLLECTOR
COLLECTORATE, THRISSUR, PIN.680 003.
- 2 TAHSILDAR, TALUK OFFICE
IRINJALAKUDA, PIN-680 121.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI CORRUPTION BUREAU, THRISSUR,
PIN.680003.
- 4 TAHSILDAR (LAND ASSIGNMENT)
THRISSUR, PIN. 680 003.
- 5 DEPUTY COLLECTOR (LAND ASSIGNMENT)
THRISSUR, PIN. 680 003.

BY GOVERNMENT PLEADER

ADV. SRI. S GOPINATHAN SR GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of June 2020

The petitioner is the widow of late K.K.Rajan. The deceased Rajan's father, Kunjan appears to have been obtained a patta as per the proceedings in LA(P)329/KLR, Land Assignment Office, Thrissur.

The petitioner in this writ petition seeks the following reliefs:-

“i. Issue a writ in the nature of mandamus commanding the respondents 1 to 5 to ensure that a certificate is issued certifying that the original of LA(P).No.329/KLR of the Land Assignment Office, Thrissur is irrecoverably lost by respondents 1 to 5 and further direct the respondents 1,2,4 and 5 to issue a fresh Land Assignment Patta in place of LA(P)329/KLR Thrissur Land Assignment Office to the petitioner within such time as may be fixed by this Hon'ble Court.

ii. award cost of this proceedings to the petitioner.”

2. In the counter affidavit filed on behalf of the 1st respondent it is stated that the land claimed by the petitioner is comprised in Survey No.959 of Kallur Village was not assigned to anyone before. It is further stated that the land now possessed by the petitioner is comprised in Survey No.951 of Kallur Village. It is also

stated that the Survey Nos.959 & 951 of Kallur Village are Puramboke Tharisu.

3. In paragraph 5 of the counter affidavit it is stated as follows:-

“The primary survey report shows that land now possessed by the petitioner is not the land corresponding to the Patta LA(P) 329/KLR. A detailed departmental enquiry is required for confirming whether LA(P) 329/KLR patta was lost or had been given to any other legal heir of Late Kunjan.”

4. The problem presented in this writ petition is in regard to the alleged issuance of the patta as per the proceedings referred as above. If the petitioner is in possession of any land other than one covered by the proceedings leading issuance of the patta, the petitioner is free to make a fresh application in regard to that land. This has to be considered after hearing the legal heirs of late Kunjan. If the petitioner wants to locate the land covered by the aforesaid patta, the enquiry shall be conducted by the Tahsildar (Land Assignment) after hearing all the legal heirs of late Kunjan. In that process, it has to find out whether there was any mistake in referring to the survey number or not.

In such circumstances, it is appropriate to direct the 4th respondent, Tahsildar to conduct an enquiry and take appropriate decision in this matter after hearing the petitioner and the legal heirs of late Kunjan and others. The entire enquiry in this regard shall be concluded within a period of six months. The claim for the patta will be depend upon the conclusion of such proceedings.

The writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE

JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

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| EXHIBIT P1 | EXT.P1 - TRUE COPY OF THE MEMO DATED 27-06-1990 OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR. |
| EXHIBIT P1 (a) | EXT.P1(A) - TRUE COPY OF THE TYPEWRITTEN COPY OF MEMO DATED 27-6-1990 OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE THRISSUR. |
| EXHIBIT P2 | EXT.P2 - TRUE COPY OF THE LETTER DATED 18-11-2009 OF THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI CORRUPTION BUREAU, THRISSUR. |
| EXHIBIT P3 | EXT.P3 - TRUE COPY OF THE LETTER DATED 31-7-1999 OF SUPERINTENDENT OF POLICE TO THE PRESIDENT OF THRIKKUR PANCHAYATH. |
| EXHIBIT P4 | EXT.P4 - TRUE COPY OF THE LETTER DATED 25-11-2009 OF TAHSILDAR (LA) UNIT NO.2 THRISSUR TO RAJAN. |
| EXHIBIT P5 | EXT.P5 - TRUE COPY OF THE LETTER DATED 24-02-2010 OF THE TALUK OFFICE MUKUNDAPURAM, IRINNALAKUDA. |
| EXHIBIT P6 | EXT.P6 - TRUE COPY OF THE LETTER DATED 05-11-2013 OF THE SPECIAL TAHSILDAR (LR) THRISSUR TO THE PETITIONER. |
| EXHIBIT P7 | EXT.P7 - TRUE COPY OF THE LETTER DATED 13-11-2013 ISSUED BY THE PUBLIC INFORMATION OFFICER TO THE PETITIONER. |
| EXHIBIT P8 | EXT.P8 - TRUE COPY OF THE INTIMATION REGARDING REGISTRATION OF THE COMPLAINT OF THE PETITIONER BEFORE THE 'JANASAMBARKA PARIPADI' |
| EXHIBIT P9 | EXT.P9 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE HONBLE CHIEF MINISTER WITH COPY TO DISTRICT COLLECTOR DATED 4-3-2013. |
| EXHIBIT P10 | TRUE COPY OF THE ENQUIRY REPORT NO.479/V2/T/14 DATED 24.11.2014 OF THE DEPUTY COLLECTOR (VIGILANCE) |

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| EXHIBIT P11 | TRUE COPY OF THE LETTER DATED 12.02.2015 OF THE LAND REVENUE COMMISSIONER |
| EXHIBIT P12 | TRUE COPY OF THE LETTER DATED 23.06.2015 ISSUED TO THE PETITIONER BY THE REVENUE DEPARTMENT UNDER THE RIGHT TO INFORMATION ACT |
| EXHIBIT P13 | TRUE COPY OF THE LETTER DATED 11.02.2014 ISSUED BY THE ADDITIONAL TAHSILDAR MUKUNDAPURAM TO DISTRICT COLLECTOR THRISSUR |
| EXHIBIT P14 | TRUE COPY OF THE LETTER DATED 26.07.2017 ISSUED BY THE DISTRICT COLLECTOR TO THE COMMISSIONER LAND REVENUE |
| EXHIBIT P15 | TRUE COPY OF THE PROCEEDINGS DATED 01.01.2018 OF THE ADDITIONAL CHIEF SECRETARY OF REVENUE DEPARTMENT |
| EXHIBIT P16 | TRUE COPY OF THE LETTER DATED 08.08.2018 ISSUED BY TAHSILDAR, MUKUNDAPURAM |
| RESPONDENTS' EXHIBITS:- | NIL |

//TRUE COPY//

P.A. TO JUDGE