

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

WEDNESDAY, THE 6<sup>TH</sup> DAY OF DECEMBER 2023 / 15<sup>TH</sup> AGRAHAYANA, 1945

WP(C) NO. 25647 OF 2023

PETITIONER:

BALAKRISHNAN. V., AGED 63 YEARS  
AGED 63, S/O APPU.K.V(LATE), AISWARIYA  
NIVAS, ONAKKUNU, KARIVALLOR, KANNUR,, PIN - 670521

BY ADV BIJU.P.N.

RESPONDENTS:

- 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY,  
LAND REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT  
THIRUVANTHANANPURAM 695001, PIN - 695001
- 2 THE THAHASILDAR  
TALUK OFFICE, PAYYANNUR,  
KANNUR DISTRICT, PIN - 670307
- 3 VILLIAGE OFFICER, ALAPADAMBU VILLAGE OFFICE ,  
PAYYANNUR TALUK , KANNUR., PIN - 670307

OTHER PRESENT:

GP - RIYAL DEVASSY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
06.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**VIJU ABRAHAM, J.**

.....  
**W.P (C) No.25647 of 2023**  
.....

**Dated this the 6<sup>th</sup> day of December, 2023**

**JUDGMENT**

Petitioner has approached this Court seeking a direction to quash Ext.P4 and for a direction to respondents 2 and 3 to issue possession certificate to him taking note of Ext.P1 sale deed.

2. Petitioner is the owner and in possession of one acres of land comprised in resurvey no.464 in Peelikode Grama Panchayat, which is purchased from one Narayanan Somanathan as per Ext.P1. The mutation was effected in the name of the petitioner and endorsed in the basic tax register also. Petitioner thereafter submitted an application before the 3<sup>rd</sup> respondent for issuance of a possession certificate. He has been paying tax in respect of the property as is evident from Ext.P3 tax receipt. The application submitted by the petitioner has been rejected stating that since the property is an exempted property as per Section 81 of the Kerala Land Reforms Act, a possession certificate cannot be granted. Petitioner submits that this Court has considered similar issues and held that there is no prohibition in using an exempted land under the Kerala Land Reforms Act for a purpose different from that for which the exemption was granted. Petitioner relies on the judgment in **W.P.(C)**

**No.6805 of 2023** and in **W.P.(C) No.29174 of 2023** and also the judgment in **Devassia v. Sub Registrar, 2015 (1) KLT 825**.

3. Heard the learned Government Pleader also.

After hearing both sides and taking into consideration the judgments issued by this Court in similar matters relying on the judgment in **Mathew K.Jacob v. District Environmental Impact Assessment Authority, 2018 (4) KLT 913 (FB)** and the decision in **Kinallur Rock Sand v. State of Kerala, 2021 (2) KLT 351**, I am of the opinion that the rejection of the application submitted by the petitioner as per Ext.P4 is absolutely illegal. Therefore, Ext.P4 order is set aside with a consequential direction to the 3<sup>rd</sup> respondent to consider the application submitted by the petitioner for issuance of a possession certificate without reference to the objection that the property is an exempted land and pass appropriate orders within an outer limit of one month from the date of receipt of a copy of the judgment. The issuance of such a possession certificate will not stand in the way of Government in initiating appropriate proceedings under the Kerala Land Reforms Act, if found necessary.

With the abovesaid direction, the writ petition is disposed of.

Sd/-

**VIJU ABRAHAM  
JUDGE**

APPENDIX OF WP(C) 25647/2023

**PETITIONER EXHIBITS**

<b>Exhibit P1</b>	<b>TRUE COPY OF THE PURCHASE DEED DATED 28-7-2020</b>
<b>Exhibit P2</b>	<b>COPY OF THE POSSESSION CERTIFICATE NO 52457829 DATED 3-12 2020</b>
<b>Exhibit P3</b>	<b>TRUE COPY OF THE RECEIPTS NO KL13051401639/2023 DATED 24.4.2023</b>
<b>Exhibit P4</b>	<b>TRUE COPY OF THE ORDER TOPNR/5950/2022-F3 DATED 18-4-2023</b>