

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944

WP (C) NO. 5514 OF 2023

PETITIONER:

NANCY, AGED 64 YEARS
W/O. JOSE, THOTTIPPATT HOUSE, (MEENACHIL TALUK),
KADAPPARA, ALATHUR TALUK, KIZHAKKENCHERY, PALAKKAD
DISTRICT., PIN - 678706

BY ADV P.R.VENKATESH

RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001
- 2 THE SECRETARY
DEPARTMENT OF FOREST AND WILD LIFE,
THIRUVANANTHAPURAM., PIN - 695001
- 3 THE SUB REGISTRAR, VADAKKENCHERRY, ALATHUR, PALAKKAD
DISTRICT., PIN - 678683
- 4 THE LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM-, PIN - 695001
- 5 THE DISTRICT COLLECTOR
PALAKKAD., PIN - 678001
- 6 THE DIVISIONAL FOREST OFFICER
NENMARA, DIST PALAKKAD., PIN - 678508
- 7 THE TAHSILDAR
ALATHUR, DIST. PALAKKAD., PIN - 678541
- 8 THE VILLAGE OFFICER
KIZHAKKENCHERY-II VILLAGE, ALATHUR, PALAKKAD., PIN -
678541

OTHER PRESENT :

SRI. T P SAJAN (SPL GP- FOREST)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH WP(C).4176/2023, 4264/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944

WP (C) NO. 4176 OF 2023

PETITIONER:

PETER JOSEPH
AGED 63 YEARS
S/O. JOSEPH, PITTAPPILLIL HOUSE, KADAPPARA, ALATHUR
TALUK, KIZHAKKENCHERY, PALAKKAD DISTRICT., PIN - 678706

BY ADV P.R.VENKATESH

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, , SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 2 STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001
- 3 THE SECRETARY, DEPARTMENT OF FOREST AND WILD LIFE,
THIRUVANANTHAPURAM., PIN - 695001
- 4 THE SUB REGISTRAR, VADAKKENCHERRY, ALATHUR, PALAKKAD
DISTRICT., PIN - 678683
- 5 THE LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM-, PIN - 695001
- 6 THE DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION,
PALAKKAD, PIN - 678508
- 7 THE DIVISIONAL FOREST OFFICER
OFFICE OF THE D F O , NENMARA, PALAKKAD DISTRICT., PIN -
678508
- 8 THE TAHSILDAR, TALUK OFFICE, ALATHUR, PALAKKAD DISTRICT.,
PIN - 678541
- 9 THE VILLAGE OFFICER, KIZHAKKENCHERY-II VILLAGE, ALATHUR,

PALAKKAD., PIN - 678541

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH WP(C).5514/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944

WP (C) NO. 4264 OF 2023

PETITIONER:

JOSE,
AGED 67 YEARS
S/O. JOSEPH, THOTTIPPATT HOUSE, (MEENACHIL TALUK),
KADAPPARA, ALATHUR TALUK, KIZHAKKENCHERY, PALAKKAD
DISTRICT., PIN - 678706

BY ADV P.R.VENKATESH

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, , SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 2 STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT.THIRUVANANTAPURAM., PIN - 695001
- 3 THE SECRETARY, DEPARTMENT OF FOREST AND WILED
LIFE, THIRUVANANTAPURAM., PIN - 695001
- 4 THE SUB REGISTRAR, VADAKKENCHERRY, ALATHUR, PALAKKAD
DISTRICT., PIN - 678683
- 5 THE LAND REVENUE COMMISSIONER
THIRUVANANTAPURAM, PIN - 695001
- 6 THE DISTRICT COLLECTOR
COLLECTORATE, CIVIL STATION, PALAKKAD., PIN - 678001
- 7 THE DIVISIONAL FOREST OFFICER
OFFICE OF THE D F O, NENMARA, PALAKKA DISTRICT, PIN -
678541
- 8 THE TAHSILDAR, TALUK OFFICE, ALATHUR, PALAKKAD DISTRICT.,
PIN - 678541

9 THE VILLAGE OFFICER
KIZHAKKENCHERY-II VILLAGE, ALATHUR, PALAKKAD., PIN -
678541

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16.03.2023, ALONG WITH WP(C).5514/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT
[WP(C) Nos.5514/2023, 4176/2023, 4264/2023]

The petitioners in these cases have approached this Court praying for a direction to mutate the property obtained by them through various documents produced along with these writ petitions and to accept land tax and to assign separate thandaper by issuing a possession certificate without imposing any restrictions.

2. The learned counsel for the petitioners submits that in identical matters this Court had issued various directions and reference is made in this regard to Exts.P3, P4 and P5 judgments.

3. The learned Special Government Pleader (Forests) would submit that there is no objection in directions similar to Ext.P3 judgment in W.P.(C)No.5514/2023 being issued in these cases also.

4. Having heard the learned counsel for the petitioners in these cases and having heard the learned Special Government Pleader as above, these writ petitions will stand disposed of directing the petitioners to mark appearance before the jurisdictional Divisional Forest Officer, at 11 A.M. on 17.4.2023. The jurisdictional Divisional Forest Officer shall, after considering the documents to be produced by the petitioners, decide whether a No Objection Certificate can be issued to the petitioners for effecting mutation as prayed for by them. If a NOC is issued by the jurisdictional Forest Officer, the

petitioners may produce the same before the jurisdictional Tahsildar (Land Records) who shall then consider whether the mutation can be permitted subject to compliance with usual formalities. The jurisdictional Divisional Forest Officer shall consider whether NOC can be issued issued to the petitioners within a period of four months from the date of receipt of a certified copy of this judgment. If the jurisdictional Divisional Forest Officer issues NOC to the petitioners in these cases, the jurisdictional Tahsildar shall consider the application for mutation within a period of two months from the date on which the NOC and other documents are produced before him.

sd/-

GOPINATH P.

JUDGE

acd

APPENDIX OF WP(C) 4176/2023

PETITIONER EXHIBITS

- Exhibit p1 TRUE COPY OF DOCUMENT NO.4370/1988 OF ALATHUR SRO.
- Exhibit P2 TRUE COPY OF DOCUMENT NO.4369/1988 OF ALATHUR SRO.
- Exhibit P3 TRUE COPY OF LAND TAX RECEIPT DATED 15.05.2015.
- Exhibit P4 TRUE COPY OF LAND TAX RECEIPT DATED 15.05.2015
- Exhibit P5 TRUE COPY OF JUDGMENT W.P.(C) NO. 21713/2021 DATED 15.11.2021 OF THIS HON'BLE COURT.
- Exhibit P6 TRUE COPY OF THE JUDGMENT DATED 13.10.2022 IN W.P.(C) NO. 29835/2018 AND CONNECTED WRIT PETITIONS.
- Exhibit P7 - JUDGMENT DATED 13.12.2022 IN W.P.(C) NO. 40129/2022 OF THIS HON'BLE COURT.

RESPONDENT ANNEXURES

- Annexure R7(a) True copy of the order dated 30.12.2010
- Annexure R7(b) True copy of the proceedings No F3-2010/4587/9/100 dated 18.11.2020 of Tahsildar(LR)Alathur
- Annexure R7(c) True copy of the minutes dated 5.6.2018

APPENDIX OF WP (C) 4264/2023

PETITIONER EXHIBITS

- Exhibit p1 TRUE COPY OF DOCUMENT NO.4366/1988 OF ALATHUR SRO.
- Exhibit p2 TRUE COPY OF LAND TAX RECEIPT DATED 15.05.2015.
- Exhibit p3 TRUE COPY OF JUDGMENT W.P.(C) NO. 21713/2021 DATED 15.11.2021 OF THIS HON'BLE COURT.
- Exhibit p4 TRUE COPY OF THE JUDGMENT DATED 13.10.2022 IN W.P.(C) NO. 29835/2018 AND CONNECTED WRIT PETITIONS.
- Exhibit p5 - JUDGMENT DATED 13.12.2022 IN W.P.(C) NO. 40129/2022 OF THIS HON'BLE COURT.

RESPONDENT ANNEXURES

- Annexure R7(c) True copy of the minutes dated 5.6.2018 convened in the Chamber of Additional Chief Secretary(Revenue).
- Annexure R7(a) True copy of the order No CC785/73 dated 30.12.2010 of Taluk land Board Alathur.
- Annexure R7(b) True copy of the proceedings No f3-2010/4587/9/100 dated 18.11.2020 of Tahsildar(LR) Alathur

APPENDIX OF WP (C) 5514/2023

PETITIONER EXHIBITS

- Exhibit p1 TRUE COPY OF DOCUMENT NO.4365/1988 OF ALATHUR SRO.
- Exhibit P2 TRUE COPY OF LAND TAX RECEIPT DATED 15.05.2015.
- Exhibit p3 TRUE COPY OF JUDGMENT W.P.(C) NO. 21713/2021 DATED 15.11.2021 OF THIS HON'BLE COURT.
- Exhibit p4 TRUE COPY OF THE JUDGMENT DATED 13.10.2022 IN W.P.(C) NO. 29835/2018 AND CONNECTED WRIT PETITIONS.
- Exhibit p5 JUDGMENT DATED 13.12.2022 IN W.P.(C) NO. 40129/2022 OF THIS HON'BLE COURT.

RESPONDENT ANNEXURES

- Annexure R6(a) True copy of the proceedings dated 30.12.2010
- Annexure R6(b) True copy of the proceedings No F3-2010/4587/9/100 dated 18.11.2020 of Tahsildar(LR) Alathur
- Annexure R6(c) True copy of the minutes dated 5.6.2018