

Kerala High Court

Thankachan M.S vs The Tahsildar on 17 June, 2021

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN
THURSDAY, THE 17TH DAY OF JUNE 2021 / 27TH JYAISHTA, 1943
WP(C) NO. 7614 OF 2021

PETITIONER/S:

THANKACHAN M.S.
AGED 60 YEARS
S/O. SEBASTIAN, MATHALIKUNNEL HOUSE, KOMBARA
BAZAAR P.O., KODARANHI, KOZHIKKODE DISTRICT
BY ADV BABU S. NAIR

RESPONDENT/S:

- 1 THE TAHSILDAR
THAMARASSERY TALUK, THAMARASSERY P.O.,
KOZHIKKODE DISTRICT, PIN-673 573
- 2 THE VILLAGE OFFICER,
KODARANHI VILLAGE, KODARANHI P.O., KOZHIKKODE
DISTRICT, PIN-673 603
BY ADV GOVERNMENT PLEADER

OTHER PRESENT:

GP VINITHA B.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17.06.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
W.P.(C) No.7614 of 2021

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JUDGMENT

Dated this the 17th day of June, 2021 The petitioner had submitted an application for obtaining possession certificate, location sketch and plan pertaining to 0.8710 Hectors of un-surveyed land in his possession. The application stands rejected by Ext.P7. The rejection is on the premise that the documents are sought for conducting a quarry and there are complaints with regard to the property in which the quarry is proposed to be conducted.

2. I am of the firm opinion that the Village Officer has no authority to reject applications for possession certificate and location sketch based on the purpose for which the property may be put to use. If the application is in order and the petitioner is found to be in legitimate possession of the W.P.(C) No.7614 of 2021 property, the Village Officer is duty bound to issue copies of the documents.

In the result, Ext.P7 is set aside and the second respondent is directed to consider the petitioner's application afresh and take a decision thereon within an outer limit of two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

Sd/-

V.G.ARUN JUDGE Scl/17.06.2021 W.P.(C) No.7614 of 2021 APPENDIX OF WP(C) 7614/2021 PETITIONER ANNEXURE EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE ISSUED IN THE NAME OF THE PETITIONER DATED 4.11.2019 EXHIBIT P2 TRUE COPY OF THE MINING PERMIT ISSUED TO THE PETITIONER BY DISTRICT GEOLOGIST, KOZHIKODE DT 14.3.2018 EXHIBIT P3 TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT, DATED 7.3.2017 EXHIBIT P4 TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT DATED, 7.3.2017 AS NO./17(2-1) EXHIBIT P5 TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT DATED 7.3.2017 AS NO.2/17(2-2) EXHIBIT P6 TRUE COPY OF THE LOCATION SKETCH AND PLAN ISSUED BY THE VILLAGE OFFICER, KOODANAHI DT NIL EXHIBIT P7 TRUE COPY OF THE COMMUNICATION ISSUED BY THE VILLAGE OFFICER TO THE PETITIONER DT 4.2.21 AS NO.61/2021 EXHIBIT P8 TRUE COPY OF THE ORDER IN C.M.P.NO.485/2018 IN CC NO.1904/2015 OF THE J.F.C.M-II, THAMARASSERY, DATED 21.2.2018