

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 22<sup>ND</sup> DAY OF FEBRUARY 2023 / 3RD PHALGUNA, 1944

WP(C) NO. 41683 OF 2022

PETITIONER:

ZEHUB TECHNOPARK PRIVATE LIMITED  
AGED 73 YEARS  
MOUNT ZION BUILDING, KUMBAZHA P.O., KUMBAZHA  
JUNCTION, PATHANAMTHITTA DISTRICT, REPRESENTED BY  
ITS MANAGING DIRECTOR, K.J. ABRAHAM., PIN - 689645

BY ADV JESTIN MATHEW

RESPONDENTS:

- 1 VILLAGE OFFICER  
PATTAZHY VILLAGE OFFICE, NEAR PATTAZHY GRAMA  
PANCHAYAT, THACHAKULAM JUNCTION, KOLLAM DISTRICT,,  
PIN - 691522
- 2 ADDL.R2:TALUK LAND BOARD  
PATHANAPURAM, MINI CIVIL STATION, PALLIMUKKU,  
PATHANAPURAM, KOLLAM DISTRICT REPRESENTED BY ITS  
CHAIRMAN ( ADDL.R2 IS IMPEADED AS PER ORDER DATED  
14-02-2022 IN IA NO.1/2023)

OTHER PRESENT:

SMT. C S SHEEJA (SR GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
22.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner has approached this Court being aggrieved by the fact that the land purchased by the petitioner under Exts.P1 and P2 sale deeds is not being mutated in favour of the petitioner and consequently, no basic tax is being accepted in the name of the petitioner.

2. The learned counsel appearing for the petitioner submits that there is no rhyme or reason to deny mutation in favour of the petitioner. It is submitted that the denial of mutation cannot be countenanced in law.

3. The learned senior Government Pleader on instructions would submit that the mutation was not effected and the land tax was not accepted from the petitioner since the predecessor-in-interest of the petitioner was holding land in excess of the ceiling limit under the provisions of the Kerala Land Reforms Act. However, it is submitted that no proceedings have been initiated thus far in respect of the land allegedly held in excess by the predecessor-in-interest of the petitioner.

4. Even in respect of cases where proceedings have been initiated, in respect of excess land, part of which has been sold to third parties, this Court has directed that subject to the finalisation of the

proceedings and without in any manner affecting such proceedings, mutation can be effected and the land tax can be accepted from such third parties. In the facts of this case, it is reported that no land ceiling proceedings have thus far been initiated against the predecessor-in-interest of the petitioner.

Accordingly, this writ petition is disposed of directing the Tahsildar (Land Records), Pathanapuram Taluk to effect mutation in respect of properties covered by Exts.P1 and P2 in the name of the petitioner subject to compliance with the usual rules and without being in any manner affected by the fact that the predecessor-in-interest of the petitioner was allegedly holding the land in excess of the ceiling limit. The 1<sup>st</sup> respondent shall also permit the petitioner to pay basic land tax in its name. It is made clear that the mutation and the acceptance of the land tax from the petitioner will not have any bearing on any proceedings that may be initiated against the predecessor-in-interest of the petitioner in respect of any excess land held by him/her and the mutation and acceptance of land tax will always be subject to the finalisation of such proceedings. Let the needful be done within a period of three months from the date of receipt of a certified copy of this judgment. sd/-

**GOPINATH P.  
JUDGE**

acd

**APPENDIX OF WP (C) 41683/2022**

PETITIONER EXHIBITS

- Exhibit P1                    TRUE COPY OF THE SALE DEED NO.  
1254/I/2022 DATED 28/10/2022
- Exhibit P2                    TRUE COPY OF THE SALE DEED NO.  
1255/I/2022 DATED 28/10/2022
- Exhibit P3                    TRUE COPY OF THE SETTLEMENT DEED  
NO.656/2020 DATED 03/08/2020
- Exhibit P4                    TRUE COPY OF THE TAX RECEIPT DATED  
06/10/2022 ISSUED BY THE RESPONDENT
- Exhibit P5                    TRUE COPY OF THE TAX RECEIPT DATED  
06/10/2022 ISSUED BY THE RESPONDENT
- Exhibit P6                    TRUE COPY OF THE REPRESENTATION DATED  
30/11/2022 BEFORE THE RESPONDENT