

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

CRP.No. 2210 of 1998 (H)

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AGAINST THE ORDER IN CR 275/1977 of TALUK LAND BOARD, ERNAD**

REVISION PETITIONER(S)/PETITIONERS:

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1. MUHAMMED, S/O. KUNHALI HAJI,
KAVANOOR AMSOM, IRUVETTY DESOM,
MALAPPURAM DISTRICT.
 2. ABDULLA, S/O. KUNHALI HAJI, - DO-
 3. ABDU REHMAN, -DO-
 4. YOUSUF, S/O. KUNHALI HAJI,
BY POWER OF ATTORNEY,
3RD PETITIONER ABDU REHMAN OF DO.
 5. ABDUL KADER, S/O. KUNHALI HAJI,
KAVANOOR AMSOM, IRUVETTY DESOM,
MALAPPURAM DISTRICT.
 6. SUBAIR, -DO-
 7. FATHIMA, DAUGHTER, -DO-
 8. KADHIYUMMA, W/O. KUNHALI HAJI, -DO-

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENT(S)/RESPONDENTS AND STATE:

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1. THONDIYOTTIL KOMAN, S/O. KELAN,
THONDIYOTTIL, T. ANGADI P.O.,
AREACODE VIA, MALAPPURAM DISTRICT.
PIN 673 639 (DIED).
 2. MADHAVAN, S/O. KOMAN, DO
 3. RAMAN, S/O. KOMAN, DO
 4. VELAYUDHAN, S/O. KOMAN, -DO-

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- 5. LEKSHMI, D/O. KOMAN, W/O. GOPALAN,
PULIKKALODI P.O., MALAPPURAM.**
 - 6. SARADA, D/O. KOMAN, TANGADI P.O.,
AREACODE VIA MALAPPURAM.**
 - 7. CHILLA, W/O. KOMAN, -DO-**
 - 8. STATE OF KERALA, REP. BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.**
- ADDL.R9. TALUK LAND BOARD, REP. BY ITS CHAIRMAN,
TALUK LAND BOARD OFFICE, ERNAD,
MALAPPURAM.**

(ADDL. 9TH RESPONDENT IMPEADED VIDE ORDER DT. 7.6.1999 IN CMP.2111/99)

**R2 & R3 BY ADV. SRI.MOHAN C.MENON
R6 BY ADV. SMT.MOLLY JACOB**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ds

P.BHAVADASAN, J.

C.R.P. No. 2210 of 1998

Dated this the 03rd day of August, 2015

ORDER

The main grievance voiced in this petition is that the property by name Kottamala, which has a total extent of more than 38 and odd acres of land, was orally partitioned between the parties and the petitioners are entitled to 3/5 shares which would come to 23.166 acres. Now as per order dated 21.08.1998, the Taluk Land Board has accepted the petitioners' claim of 3/5 share of the property in various survey numbers including R.S.No. 184. It is seen that in the order directing reconveyance to the petitioners etc. in Sy.No. 184, only 15 acres of land have been directed to be reconveyed. The petitioners say that they are entitled to an additional extent of nearly 6 and odd acres in that survey number. It is seen from the order that 7.62 acres of land in Sy.No.184 is directed to be taken possession of by the Government as excess land.

2. The grievance of the petitioners is that, that extent should actually go to them since they are 3/5th share holders over the entire extent of property comprised in Sy.No.184. They also pointed out that if in any case, it is found that after reconveying the land in Sy.No.184, if they possess excess land, they have no objection in the Taluk Land Board taking possession of excess land with them.

3. This C.R.P. Is therefore disposed of directing the Taluk Land Board to reconsider reconveyance of 7.62 acres or lesser extent of land in Sy.No.184 without affecting the rights of T. Koman to whom 8 acres had been reconveyed as per order dated 20.10.1998 in pursuance to which possession has been taken by the legal heirs of T. Koman as would be evidenced from the Kychit dated 22.10.1998. If it is found that the petitioners are entitled to reconveyance of 7.62 acres or lesser extent of land in Sy.No.184 and it is found that by such reconveyance, they are in possession of excess land, the Taluk Land Board will be at liberty to take

such steps as are necessary to have the excess land surrendered. It is also made clear that in the order dated 21.08.1998, an extent of 27.51 acres is directed to be returned. That property shall be reconveyed at the earliest in compliance with the said order. The Taluk Land Board shall reconsider the issue regarding reconveyance of the balance extent of property from Sy.No.184 to the petitioners after following the necessary procedures. It is made clear that reconveyance made to T. Koman which has been taken possession of by his legal heirs shall not be disturbed or interfered with. If it becomes necessary to hear the declarant with regard to reconveyance of land in Sy.No. 184, he shall also be heard. The Taluk Land Board concerned shall pass final orders within six months from the date of receipt of a copy of this order.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge