

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

CRP.No. 10 of 2006 (D)

AGAINST THE ORDER IN AA 8/1990 of APPELLATE AUTHORITY
(LR), KANNUR.

AGAINST THE ORDER IN OA 3140/1972 of LAND TRIBUNAL,
KASARGOD.

REVISION PETITIONER(S)/RESPONDENTS 3 TO 6 IN A.A./LEGAL
HEIRS OF THE ORIGINAL APPLICANT:

1. RAMANNA MOOLYA, S/O. DOOMA MOOLYA,
NEKKARAKADU, PADRE VILLAGE, KASARGODE TALUK.
2. AITHAPPA MOOLYA, S/O. DOOMA MOOLYA,
NEKKARAKADU, PADRE VILLAGE, KASARGODE TALUK.
3. SHANKARA MOOLYA, S/O. DOOMA MOOLYA,
NEKKARAKADU, PADRE VILLAGE, KASARGODE TALUK.
4. SHEENA MOOLYA, S/O. DOOMA MOOLYA,
NEKKARAKADU, PADRE VILLAGE, KASARGODE TALUK.

2ND RESPONDENT IN AA DIED, LEGAL HEIRS ARE ALREADY
IN PARTY.

BY ADVS.SRI.V.V.ASOKAN
SMT.S.AMINA

RESPONDENT(S)/LEGAL REPRESENTATIVES OF APPELLANT & 7TH
RESPONDENT IN A.A. & NON PARTY/LEGAL HEIRS OF RESPONDENTS
IN O.A. AND NON PARTY:

1. N. KAMALAKSHI,
WIDOW OF KESHAVA KADAMBALITHAYA,
NEKKARAKADU HOUSE,
PADRE VILLAGE, KASARGODE TALUK.
2. INDIRA, D/O.KESHAVA KADAMBALITHAYA,
NEKKARAKADU HOUSE, PADRE VILLAGE,
KASARGODE TALUK.

3. N. LAKSHMEESHA KADAMBALITHAYA,
NEKKARAKADU HOUSE, PADRE VILLAGE,
KASARGODE TALUK.
4. GAYATHRI, D/O.KESHAVA KADAMBALITHAYA,
NEKKARAKADU HOUSE, PADRE VILLAGE,
KASARGODE TALUK.
5. HEMAVATHI, D/O.KESHAVA KADAMBALITHAYA,
NEKKARAKADU HOUSE, PADRE VILLAGE,
KASARGODE TALUK.
6. SUNEETHI, D/O.KESHAVA KADAMBALITHAYA,
NEKKARAKADU HOUSE, PADRE VILLAGE,
KASARGODE TALUK.
7. UMESHA KADAMBALITHAYA,
S/O. KESHAVA KADAMBALITHAYA, NEKKARAKADU HOUSE,
PADRE VILLAGE, KASARGODE TALUK.
8. K. KAMALA,
WIDOW OF RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.
9. N.LAXMINARAYANA,
S/O. RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.
10. N. SATHYABHAMA,
D/O. RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.
11. N. MALATHI,
D/O. RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.
12. N. SASHIKALA,
D/O. RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.
13. N. VIJAYALAKSHMI,
D/O. RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.
14. N. ANANTHAN PADMANABHA,
S/O. RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.
15. N. KRISHNAMOORTHY,
S/O. RAMAKRISHNA KADAMBALITHAYA,
NEKKARAKADU PADRE VILLAGE, KASARGODE TALUK.

16. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

R1,R3,R7 BY ADV. SRI.M.RAMESH CHANDER
R8 TO R15 BY ADV. SRI.R.SREEHARI
ADV. SRI.SACHIN VYAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 17-08-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

P. BHAVADASAN, J.

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C.R.P. No. 10 of 2006

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Dated this the 17th day of August, 2015.

ORDER

Shorn off unnecessary details, the essential facts absolutely necessary for the disposal of this revision petition are as follows:

O.A. 3140 of 1972 was disposed of by the Land Tribunal, Kasaragode. The first respondent in the O.A. filed A.A. 8 of 1990 which was disposed of on 28.7.2005. Respondents 3 to 6 who were aggrieved by the order in A.A. 8 of 1990 filed this revision petition.

2. While so, the second respondent in the O.A. filed A.A. 47 of 1992 which was disposed of by order dated 4.12.2009. Respondents 2 to 5 in A.A. 47 of 1992 filed C.R.P. 172 of 2010.

3. It would have been proper for this Court to have heard these matters together. But unfortunately C.R.P. 172 of 2010 was taken up earlier and this Court set aside the order of the

Land Tribunal and the Appellate Authority and remanded the matter to the Land Tribunal for denovo consideration. C.R.P. 172 of 2010 was disposed of as follows:

"I set aside both the orders of the land tribunal as well as the appellate authority and remit the matter to the land tribunal for denovo consideration. The land tribunal shall issue notice to the interested parties and deal with the applications under Section 72B of the Kerala Land Reforms Act, 1963 anew. The question whether there is proof of tenancy before 01.04.1964 shall be considered in the light of the evidence adduced by either sides. Final orders shall be passed by the land tribunal within a period of five months from the date of receipt of records."

4.In the light of the above order, all that remains to be done in this revision petition is only to pass a similar order.

In the result, this Civil Revision Petition is allowed, the impugned orders of the Land Tribunal and Appellate Authority are set aside and the matter is remanded to the Land Tribunal for fresh disposal in accordance with law after issuing notice to all parties and after hearing them.

sb.

P. BHAVADASAN,
JUDGE