

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

CRP.No. 191 of 2010 ()

SM 994/1976 of TALUK LAND BOARD, PALAKKAD

REVISION PETITIONER :

**SUBRAMANIAN, S/O. RANGASWAMY KOUNTER,
R.V.PUTHUR P.O., CHITTUR.**

**BY ADVS.SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS**

RESPONDENTS :

- 1. THE STATE OF KERALA
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE TALUK LAND BOARD, PALAKKAD.**
- 3. THE TAHSILDAR, PALAKKAD.**

R1 TO R3 BY SPL. GOVERNMENT PLEADER SMT. SUSHEELA BHAT

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 21-07-2015, ALONG WITH CRP. 239/2010 & CRP. 281/2010, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
C.R.P. Nos.191, 239 and 281 of 2010
.....

Dated this the 21st day of July, 2015

ORDER

Heard both sides.

2. In CRP 191 of 2010, the learned counsel for the claimant has pointed out that the valid claim forwarded by the claimant under Section 7E of the Land Reforms Act, through the amendment, has not been considered by the Taluk Land Board. The complaint of the petitioner is that Annexure A1 sale deed No.1934 of 1968 obtained by the petitioner has not been considered by the Taluk Land Board. It seems that even though Annexure A1 was present among the records in the file before the Taluk Land Board, it was not noticed by the Taluk Land Board and therefore, the same requires reconsideration.

3. The same is the case with the petitioners in CRP 281 of 2010 also. The claim forwarded by the petitioners under Section 7E of the Land Reforms Act, has not been

considered by the Taluk Land Board. Matters being so, the impugned orders in CRP 191 of 201 as well as CRP 281 of 2010 are liable to be set aside.

4. The learned counsel for the revision petitioners in CRP 239/2010 has pointed out that presently he has obtained the certified copies of Exts.A1 to A4 documents, which were not in his possession or power at the time when the matter was considered by the Taluk Land Board and therefore, the Taluk Land Board had no occasion to consider the genuineness of the claim forwarded by the petitioners.

5. It seems that Ext.A1 document is a mortgage deed in favour of one Sankaran executed by the predecessor-in-interest of the claimants as document No.2469/1918. On the same day, the mortgaged property was obtained back through lease deed No.2470 of 1918. Both the said documents are produced as Exts.A1 and A2. It seems that through Ext.A3 document No.39/1925 the lease was once again renewed. Subsequently, through Ext.A4, an additional amount by way of mortgage money was obtained, for which, again a mortgage deed was executed as document No.963 of 1932. It seems

that those documents were not produced before the Taluk Land Board and the Taluk Land Board had no occasion to consider those documents. Matters being so, the impugned order is liable to be set aside and the matter has to be remitted to the Taluk Land Board for fresh consideration, in accordance with law.

In the result, all these CRPs are allowed, the impugned orders are set aside. All the matters are remitted to the Taluk Land Board for fresh disposal in accordance with law, after affording an opportunity to the revision petitioners to adduce further evidence in the matter.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge