

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

CRP.No. 409 of 2010 ()

(TLB/187/1973/KPY OF TALUK LAND BOARD, KANJIRAPPALLY)

PETITIONER:

**STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT.**

BY SPL. GOVERNMENT PLEADER SMT.SUSHEELA.R. BHAT

RESPONDENT(S)/DECLARANT AND CLAIM PETITIONERS BEFORE TLB :

- 1. ERUMELY PLANTATIONS (PVT) LTD.
REGISTERED OFFICE, KYTHAIL BUILDINGS, T.B.ROAD,
KOTTAYAM, REP. BY ITS MANAGING DIRECTOR,
ERUMELI PLANTATIONS (PVT) LTD.**
- 2. SUNNY JACOB,
THATTARAKATHU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O, PIN-686 510.**
- 3. SUNNY JACOB,
THATTARAKATHU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O, PIN-686 510.**
- 4. THOMMAN CHACKO,THATTARAKATHU,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.**
- 5. ADIMA RAWTHER ABDUL SAMADH,
S/O.ADIMA RAWTHER KUNNEL VEEDU, ERUMELI P.O.**
- 6. ADIMA RAWTHER HAMSAKUTTY. K,
S/O.ADIMA RAWTHER, KUNNEL VEEDU, ERUMELI P.O.**
- 7. ADIMA RAWTHUR HANEEFA RAWTHUR,
PUTHENPURAKKAL, ELIVALIKKARA KARA, ERUMELI
SOUTH VILLAGE, MUKKOOTUTHARA P.O.**
- 8. ADIMA RAWTHUR MYTHEENKUTTY,
PUTHENPURAKKAL, ELIVALIKKARA KARA, ERUMELI
SOUTH VILLAGE, MUKKOOTUTHARA PO.**

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9. ANTONY M.C.,
MOONGAMTHOTTATHIL, ELIVALIKKARA KARA, ERUMELI
SOUTH VILLAGE, MUKKOOTUTHARA P.O.
10. MOHANAN T.S, S/O.SREEDHARAN,
THEVARAKATTIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
11. RAJU.P.N,
PANACHIKUNNEL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
12. RAJI,
KALAMUNDAYIL VEEDU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
- *13. HANEEFA, (DIED)
KAMBIYIL VEEDU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
14. KUNJAN SEKHARAN,
URUMBIL, ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
15. THANKAPPAN,
KATTATHARAYIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
16. ELIKUTTY JOSEPH,
PAIKADAYIL, ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
17. JOHN JOSEPH,
PAIKADAYIL, ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
18. JOSEPH THOMAS,
PANTHAMAKKAL VEEDU, CHATHANTHARA P.O.,
MUKKOOTUTHARA VIA.
19. MATHAI PATHROSE,
CHAMAPPARA VEEDU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
20. ABDUL KAREEM T.A.,
THADATHIL PARAMBIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
21. KARUNAKARAN @ CHOTHI KARUNAKARAN,
MUKULEL, ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
- *22. K.K.NARAYANAN, (DIED)
KETTUNGATHARAYIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.

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23. VARGHESE CHACKO,
VAZHAKALAYIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
24. SARAMMA JOSEPH,
CHERIVUKALAYIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
25. JOSEPH JOSEPH,
CHERIVUKALAYIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
26. ANIYAN P.J.,
S/O.JOHN, MATHAPPARAMBIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
- *27. KUTTAN OUSEPH, (DIED)
MAPPIKAKUNNEL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
28. MARIAMMA ANTONY,
W/O.ANTONY, KOKKAPPUZHA, VALIYAKULAM
VAZHAPPALLY VILLAGE, INDUSTRIAL ESTATE P.O.,
CHANGANASSERY.
29. MONIKUTTY,
PULLUVELIL VEETIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
- *30. MOOSA THOMAS, (DIED)
EDAPPALLIL, MUTTAPPALLY, MUKKOOTUTHARA P.O.,
PIN-685 519.
- *31. PADMANABHAN VASU, (DIED)
CHAKKUMKUZHIYIL VEETIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
32. RAJAPAPN.P.K., S/O.KUNJACHAN,
PULIKKACHIRA, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
33. BHANUMATHY KUMARAN,
PUTHENPARAMBIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
34. BHASKARAN NAIR M.R,
CHANGETHU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
35. JOSEPH CHACKO,
OZHUNGALIL, ELIVALIKKARA KARA, ERUMELI SOUTH
VILLAGE, MUKKOOTUTHARA P.O.

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36. THOMAS P.J.,
S/O.JOSEPH, PARAYIL, KANNIMALA P.O.,
THUMARAMPARA, EUMELI VILLAGE.
37. RAJU M.N, S/O.NARAYANAN,
MEKKATUSSERIYIL, THUMARAMPARA,
KANNIMALA P.O, ERUMELI VILLAGE.
38. P.M.KUNJAPPY, PASTER,
SOUTH DISTRICT PRESS BEATER,
UNITED PENTECOST CHURCH,
ADOOR MISSION COMPOUND, KARUVATTAMURI,
PERINGANAD VILLAGE, ADOOR TALUK.
39. PRESIDENT, N.S.S.KARAYOGAM,
MUTTAPPALLY SREE PADMANABHA VILASOM,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
- *40. MOHANAN O.S, (DIED)
S/O.SEKHARAN, URUMBIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
41. ANNAMMA CHACKO,W/O.C.G.CHACKO,
CHIRAPURAYIDATHIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
42. PONNAMMA BHASKARAN, KANDATHIL,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
43. BHASKARAN KANDATHIL,
KANDATHIL HOUSE, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
44. ANTONY P.A, PULLUVELIL,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
45. VALSAMMA P.K, D/O.KUTTAPPAN,
PURAYIDATHAIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
46. RAMAN RAGHAVAN,
KAVUNGAL VEEDU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
47. KUTTAPPAN M.K,
S/O.KUNJAPPAN, MARIPPURAM, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
48. THANKACHI, KUNNUMPURAM VEEDU,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.

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- *49. CHANDRAN PILLAI, (DIED)
S/O.SIVARAMAN PILLAI, MEPPURATHU,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
50. SUKUMARAN,
S/O.NANU, VELLARAYIL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
51. VICAR,
ST. ANTONY'S CHURCH, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.
52. KALLIANI, POIKKAL,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA P.O.
53. ABDUL JAMAL C.C.,
PUTHENPURAKKAL, CHERUVALLI ESTATE,
CHERUVALLI.P.O.
- * 54. LUKOSE DAVID, (DIED)
KATTAMKUNNEL VEEDU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA P.O.

*ADDL.R55 TO R88 IMPEADED

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.13:

- *R55: RAHSEEDA BEEVI, W/O.HANEEFA,
KAMBIYIL VEEDU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA.P.O.
- *R56: ANSAN HANEEFA, S/O. HANEEFA,
KAMBIYIL VEEDU, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA.P.O.
- *R57: AFSASA, S/O. HANEEFA, KAMBIYIL VEEDU,
ELIVALIKKARA KARA, ERUMELI SOUTH VILLAGE,
MUKKOOTUTHARA.P.O.

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.22

- *R58: K.N.JANARDHANAN, S/O.K.K.NARAYANAN,
KOTTUNGALTHARAYIL, KOTTAMURI.P.O., THRIKKODITHANAM,
- *R59: RAVEENDRAN, S/O.K.K.NARAYANAN,
KOTTUNGALTHARAYIL, ELIVALIKKARA, KANNIMALA.P.O.,
- *R60: SURENDRAN, S/O.K.K.NARAYANAN,
KOTTUNGALTHARAYIL, ELIVALIKKARA, MUKKOOTUTHARA.P.O.,
- *R61: RAJENDRAN, S/O.K.K.NARAYANAN,
KOTTUNGALTHARAYIL, ELIVALIKKARA, MUKKOOTUTHARA.P.O.

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***R62: SASEENDRAN,S/O.K.K.NARAYANAN,
KOTTUNGALTHARAYIL, ELIVALIKKARA,
MUKKOOTUTHARA.P.O.**

***R63: SARASAMMA,D/O.K.K.NARAYANAN,
KOTTUNGALTHARAYIL, ELIVALIKKARA,
MUKKOOTUTHARA.P.O.**

***R64: RAMANI, D/O.K.K.NARAYANAN,
KOTTUNGALTHARAYIL, ELIVALIKKARA,
MUKKOOTUTHARA.P.O.**

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.27:

***R65: GEORGE, S/O.KUTTAN OUSEPH,
MAPPILAKUNNEL, ELIVALIKKARA KARA,
ERUMELI SOUTH VILLAGE, MUKKOOTUTHARA.P.O.**

***R66: CHACKO, S/O.KUTTAN OUSEPH, MAPPILAKUNNEL,
MUTTAPPALLY.P.O., MUTTAPPALLY.**

***R67: KUTTAPPAN, S/O. KUTTAN OUSEPH,
MAPPILAKUNNEL, ELIVALIKKARA, MUKKOOTUTHARA.P.O.**

***R68: RAJAMMA, D/O. KUTTAN OUSEPH, MAPPILAKUNNEL,
MUKKOOTUTHARA.P.O.**

***R69: KUNJAMMA, D/O. KUTTAN OUSEPH, MAPPILAKUNNEL,
MUKKOOTUTHARA.P.O.**

***R70: CHINNAMMA, D/O. KUTTAN OUSEPH, MAPPILAKUNNEL,
MUKKOOTUTHARA.P.O.,**

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.30:

***R71: ALICEKUTTY, D/O.MOSSA THOMAS, TPM,
FAITHHOME, PERUMBAVOOR, ERNAKULAM.**

***R72: BABY T MOSSAS, S/O. MOSSA THOMAS, RESIDING AT U.S.A.**

***R73: ANNAMMA, D/O. MOSSA THOMAS, RESIDING AT U.S.A**

***R74: JOHNSON,S/O. MOSSA THOMAS, MAKALAKADA,
EDAPPALLIL, MUTTAPPALLY.P.O.**

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.31:

***R75: JANAKI, D/O.PADMANABHAN VASU,
CHAKKUMKUZHI, SEETHATHODE.**

***R76: RAJAN.C.V., S/O. PADMANABHAN VASU,
CHAKKUMKUZHI, KANNIMALA.P.O.,
THOOMARAMPARA.**

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- *R77: MOHANAN, S/O. PADMANABHAN VASU,
CHAKKUMKUZHI, KANNIMALA.P.O.,
THOOMARAMPARA.**
- *R78: SALIM, S/O. PADMANABHAN VASU, CHAKKUMKUZHI,
KANNIMALA.P.O., THOOMARAMPARA.**
- *R79: VALSAMMA, D/O. PADMANABHAN VASU,
CHAKKUMKUZHI, KANNIMALA.P.O.,
THOOMARAMPARA.**

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.40:

- *R80: THANKAMANI, W/O. MOHANAN, URUMBIL,
CHENAPPADI.P.O.**
- *R81: RATHEESH, S/O. MOHANAN, URUMBIL,
CHENAPPADI.P.O.**
- *R82: RAMYA, D/O. MOHANAN, URUMBIL,
CHENAPPADI.P.O.**

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.49:

- *R83: LEELAMMA, W/O. CHANDRAN PILLAI, MEPPURATHU,
ELIVALIKKARA KARA, MUKKOOTUTHARA.P.O.**
- *R84: RAJESH, S/O. CHANDRAN PILLAI, MEPPURATHU,
ELIVALIKKARA KARA, MUKKOOTUTHARA.P.O.**
- *R85: RATHEESH.M.C., S/O.CHANDRAN PILLAI,
MEPPURATHU, ELIVALIKKARA KARA,
MUKKOOTUTHARA.P.O.**

ADDITIONAL RESPONDENTS/LEGAL HEIRS OF RESPONDENT NO.54:

- *R86: DAVID, S/O. LUKOSE DAVID,
KATTAMKUNNEL VEEDU,ELIVALIKKARA KARA,
MUKKOOTUTHARA.P.O.**
- *R87: AMMINI, D/O.LUKOSE DAVID, KATTAMKUNNEL VEEDU,
ELIVALIKKARA KARA,
MUKKOOTUTHARA.P.O.**

CRP.NO.409/2010

***R88: KUNJUMOL, D/O.LUKOSE DAVID,
KATTAMKUNNEL VEEDU, ELIVALIKKARA KARA,
MUKKOOTUTHARA.P.O.**

***ADDL.R55 TO R88 ARE IMPEADED AS THE LEGAL HEIRS OF THE DECEASED
RESPONDENTS 13,22,27,30,31,40,49 AND 54 VIDE ORDER DATED 13/1/2015
IN IA.NO.2191/2011.**

**R1 BY SRI.JOSEPH MARKOSE,SENIOR ADVOCATE
ADVS.SRI.V.ABRAHAM MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS
SRI.NOBY THOMAS CYRIAC**

**R2 TO R4,R7,R18 & R19, R21,R27,R40,R15,R32 BY ADV. SRI.NOBLE MATHEW
R38 BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH
ADDL.R61 AND R67 BY ADV. SRI.GEORGE SEBASTIAN**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 13-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

P.BHAVADASAN, J.

**C.M.Appln.No.483 OF 2010 IN
Civil Revision Petition No.409 OF 2010**

Dated this the 13th day of January, 2015.

O R D E R

This is a petition filed under Section 5 of the Limitation Act seeking to have the delay of 6275 days in filing the Civil Revision Petition condoned.

2. The declarant in the Ceiling Case namely, Erumely Plantations (Pvt) Ltd had filed a statement as envisaged under Section 85(4) of the Kerala Land Reforms Act before the Taluk Land Board, Thiruvananthapuram. After verification, the Taluk Land Board came to the conclusion that the land owned by the declarant is 99.14 Acres and they were entitled to only 15 Acres and the balance 84.14 Acres had to be surrendered. That order of the Taluk Land Board was challenged in revision before this Court by the Company and they claimed that 52 Acres of land had been converted as rubber plantations and therefore exemption has to be granted for the area so converted. This

Court accepted the contention of the revision petitioner and remanded the matter to the Taluk Land Board for fresh disposal. Subsequent to the remand, several persons came forward with claim petitions and they sought to sustain their claim on the basis of purchase certificates. After re-evaluation of the materials before it, Taluk Land Board found that the Company is entitled to exempt 52 Acres of rubber plantations and the remaining extent of 32.14 Acres was also exempted on the ground of tenancy. The position as per the order of the Taluk Land Board is as follows:

"Total extent of land owned/held	-	99.14 Acres.
Extent to which exemption applied	-	84.14 Acres.
Ceiling area applicable	-	15.00 Acres.
Extent of land to be surrendered	-	Nil".

Aggrieved by the said order, State has come up in revision before this Court.

3. The main contention was that exemption granted towards rubber plantations was improper and illegal. A Division Bench of this Court in C.R.P No.5523/1976 has held as to when a rubber plantation would be exempted from the purview of the Act. The case on hand does not satisfy the test applied and

therefore the lands should not be exempted.

4. The Taluk Land Board then proceeded to consider whether 32.14 Acres of land was available for exemption. Notice was issued to the Company regarding 32.14 Acres of land as determined by this Court in C.R.P.No.983/1983. The Company filed a statement stating that they are not in possession of 32.14 Acres of land and those lands are outstanding with strangers. The lands are occupied by more than 42 occupants and the Company had no possession over the same. The claimants also entered appearance and they sought to sustain their claim by virtue of purchase certificate and pattayam issued by the authority concerned.

5. After evaluating the evidence, the Taluk Land Board came to the conclusion that the Company was not liable to surrender any extent of land. That order was passed on 12.05.1992. State did nothing thereafter. They went to sleep. They woke up in 2010 and then sought to file the present revision petition. As there was considerable delay in filing the revision petition, a petition to condone the delay was also filed. In the

affidavit in support of the petition to condone delay, all that is stated is that since the Government Pleader then appearing for the State had advised that there is no scope for a revision, steps were not taken and later on when another Government Pleader took charge, he, after going through the records, recommended further proceedings and the file was forwarded to the office concerned. Due to some inconvenience in the office of the Advocate General, further proceedings were delayed. Ultimately, the State would say that on getting a copy of the order concerned, they filed the revision petition.

6. More than the reason for the delay, the affidavit states about the reasons for reconsideration of the order of the Taluk Land Board. It was very vehemently contended that 32.14 Acres of land are not liable to be exempted.

7. Counter affidavits have been filed by the contesting respondents. They pointed out that there is no merit in the petition and it is only to be dismissed. According to them, revision petitioner had not given sufficient cause to condone the delay. It is further contended that several claimants have

obtained purchase certificate and they have settled down and upsetting that arrangement now will be doing injustice to them. They therefore prayed for dismissal of the delay condonation petition.

8. Normally, the court is not expected to go to the merits of the case while considering the question of condonation of delay. At the time of considering the delay, the only issue that arises for consideration is whether sufficient cause has been shown to condone delay.

9. A petition or appeal as the case may be has to be filed within the stipulated time. However, in this case, as considerable period has elapsed and third party's interest have intervened, this Court felt that it will be appropriate to consider the merits of the case.

10. Initially, the Company was directed to surrender 84.14 Acres of land. They challenged the same before this Court and ultimately it was accepted that 52 Acres of rubber plantations were liable to be exempted. As regards 32.14 Acres of land, it is pointed out by the Company that they were not in possession of

the said land. The claimants also had entered appearance and sought to sustain their claim in respect of 32.14 Acres of land.

11. True, there are two contradictory reports regarding the number of persons who laid claim under the Kerala Land Reforms Act over the property of the Company. Taluk Land Board conducted enquiry. The statutory report shows that 32.14 Acres of land was occupied by about 40 persons. Taluk Land Board took the view that the claimants are entitled to the benefit of Section 7A of the Kerala Land Reforms Act and exempted 32.14 Acres of land from the purview of the Act and the extent of land held by the declarant.

12. It is contended on behalf of the State that the above exemption could not have been granted as it is against the judgment of this Court while remanding the matter to the Taluk Land Board. This Court, according to the State, had clearly found that 32.14 Acres of land was liable to be surrendered and the Taluk Land Board therefore could not go behind that order.

13. It must be remembered that the claimants were not a party to the CRP filed before this Court in which there was a

remand order and after remand when the claimants came forward with claim petitions, enquiry was conducted by the Taluk Land Board. The person who was deputed for conducting enquiry found that the property having an extent of 32.14 Acres was outstanding with several persons some of whom had obtained purchase certificates. Accepting the finding of the Revenue Inspector, the Taluk Land Board decided to exempt 32.14 Acres of land also.

14. Probably, one could say that it may not have been quite proper at that point of time to exempt 32.14 Acres of land without a deep enquiry. But, now more than a decade and a half has elapsed and now put the clock back will be doing injustice to everybody. Some of the persons have claimed to be in possession for a long time and many of them have obtained purchase certificate. Even though Taluk Land Board may not be strictly bound by the purchase certificate, it is well settled that the Taluk Land Board cannot ignore the same. Purchase Certificate is issued by a statutory authority exercising its statutory function and following statutory procedures and it

cannot be lightly taken and it cannot be easily said that it is as a result of fraud or coercion unless there are convincing materials to hold so. Prima facie, purchase certificate will be taken to be valid.

Above being the position, in the case on hand, no purpose in fact will be served in condoning the delay and having the CRP decided on merits. If that be so, exercise of condonation of delay will be a futile exercise.

Therefore, the petition to condone delay is dismissed.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

P.BHAVADASAN, J.

Civil Revision Petition No.409 OF 2010

Dated this the 13th day of January, 2015.

O R D E R

In the light of the order in C.M.Appln.No.483/2010 dated 13.01.2015, this Civil Revision Petition is dismissed.

**P.BHAVADASAN
JUDGE**

smp