

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

CRP(LR).No. 456 of 2013

**AGAINST THE ORDER IN TLB (B)NO.1/94/L5 of TALUK LAND BOARD, BADAGARA
DATED 31-12-2009**

CIVIL REVISION PETITIONER(S)/DECLARANT:

**STATE OF KERALA, REPRESENTED BY SECRETARY,
LAND BOARD, THIRUVANANTHAPURAM.**

BY SPECIAL GOVERNMENT PLEADER SMT.SUSHEELA .BHAT

RESPONDENT(S)/ASSESSEE:

1. * **SRI.P.K.AHMADKUTTY,
VANIMEL VILLAGE VATAKARA TALUK, KOZHIKODE DISTRICT, PIN -673506.
(DIED LRS IMPLEAD).**
- * **ADDL.R2 TO R6 IMPLEAD**
2. **BIYYAYTHU, W/O.SRI.P.K.AHAMADKUTTY, AGED 55 YEARS,
PUTHUPANAKANDY HOUSE, P.O.VANIME;L, VATAKARA-673506.**
3. **HABEEB, S/O.SRI.P.K.AHAMADKUTTY, AGED 8 YEARS,
PUTHUPANAKANDY HOUSE, P.O.VANIME;L, VATAKARA-673506.**
4. **RIYAS, S/O.SRI.P.K.AHAMADKUTTY, AGED 45 YEARS,
PUTHUPANAKANDY HOUSE, P.O.VANIME;L, VATAKARA-673506.**
5. **RAZIYA, D/O.SRI.P.K.AHAMADKUTTY, AGED 40 YEARS,
PUTHUPANAKANDY HOUSE, P.O.VANIME;L, VATAKARA-673506.**
6. **ANWAR, S/O.SRI.P.K.AHAMADKUTTY, AGED 35 YEARS,
PUTHUPANAKANDY HOUSE, P.O.VANIME;L, VATAKARA-673506.**

**ADDL.R2 TO R6 ARE IMPLEADED AS THE LEGAL HEIRS OF THE DECEASED
1ST RESPONDENT VIDE ORDER DT.29/1/2015 IN IA.2568/2014.**

**R2 -R 6 BY ADVS. SRI.C.VATHSALAN
SRI.K.RAKESH ROSHAN**

**THIS CRP (LAND REFORMS ACT) HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

P.BHAVADASAN, J.

C.R.P.(L.R.) No. 456 of 2013

Dated this the 05th day of February, 2015

ORDER

The State in this revision petition assails the finding of the Taluk Land Board with regard to the exemption granted in respect of 5.38 acres of land on the ground plantations.

2. The State points out that there is absolutely no evidence in this regard and the Taluk Land Board has not discussed the issue in detail at all. All that is stated is that the extent is exempted and nothing more, nothing less. It is specifically pointed out that the Taluk Land Board does not even refer to the authorized officer's report to confirm its stand that, that extent of property is liable to be exempted.

3. When the matter was being heard, the learned counsel appearing for the contesting respondents brought to the notice of this Court that the same order has been assailed in C.R.P.No.78/2010 which was disposed of by order dated 11.08.2014. There declarants had challenged certain

findings of the Taluk Land Board and after considering various aspects, this Court disposed of C.R.P.No. 78/2010 as follows:

“The Taluk Land Board will appoint another Authorised Officer not below the Rank of a Tahsildar and he shall file a report within a period of three months from the date of receipt of a copy of this order. He must show the entire details of the property, which the assessee said to have acquired after 01-01-1970, and the manner in which he acquired or he came into possession of the property, in the report, after due enquiry contemplated under the above said rules. On receipt of the fresh report, the Taluk Land Board shall pass order a fresh, at any rate, within a period of six months from today. ”

4. In view of the order in C.R.P.No. 78/2010 it is unnecessary for this Court to consider this revision petition independently, for, in the C.R.P.No.78/2010, the Taluk Land Board has been directed to consider the matter afresh after getting fresh report from the authorised officer. In the light of the order in C.R.P.No. 78/2010, nothing remains to be

considered in this civil revision petition. Needless to say that the Taluk Land Board will also consider the contention taken by the State in this revision petition.

Hence, this Civil Revision Petition is dismissed as infructuous.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge