

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

CRP(LR).No. 34 of 2015 ()

IN SM 7/2003 of LAND TRIBUNAL, MANJERI DATED 05-04-2004

PETITIONER(S)/APPELLANT/ THIRD PARTY::

**PATHUMMA AGED 72 YEARS
W/O MATTAYI MOHAMMED, MATTAYI HOUSE, VALLUVANGAD PO
KODASSERY, VETTIKKATTIRI VILLAGE, ERNAD TALUK
MALAPPURAM DISTRICT**

BY ADV. SRI.T.PRASAD

**RESPONDENT(S)/RESPONDENTS/ PURCHASE CERTIFICATE HOLDER AND LAND
LORD:**

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- 1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT
THIRUVANANTHAPURAM PIN-695001**
 - 2. MOHAMMED ,S/O MATTAYIL MOIDEEN, MATTAYI, VALLUVANGAD PO,
KODASSERY, VETTIKKATTIRI VILLAGE,
ERNAD TALUK, MALAPPURAM DISTRICT PIN-676521**
 - 3. CHERIYON @ MOIDEEN,
S/O MATTAYI MOIDEEN, MATTAYI, VALLUVANGAD PO
KODASSERY, VETTIKKATTIRI VILLAGE, ERNAD TALUK
MALAPPURAM DISTRICT PIN-676521**
 - 4. ADAN @ ADAM,
S/O. MATTAYI MOIDEEN, MATTAYI, VALLUVANGAD PO
KODASSERY, VETTIKKATTIRI VILLAGE, ERNAD TALUK
MALAPPURAM DISTRICT PIN-676521**
 - 5. MARIYUMMA, D/O MATTAYI MOIDEEN,
MATTAYI, VALLUVANGAD PO
KODASSERY, VETTIKKATTIRI VILLAGE, ERNAD TALUK
MALAPPURAM DISTRICT PIN-676521**
 - 6. AYISHA D/O MATTAYIL MOIDEEN,
MATTAYI, VALLUVANGAD PO
KODASSERY, VETTIKKATTIRI VILLAGE, ERNAD TALUK
MALAPPURAM DISTRICT PIN-676521**

CRP(LR).No. 34 of 2015 ()

7. MANCHERIKKADAN PATHUMMA,
W/O MATTAYI MOIDEEN, MATTAYI, VALLUVANGAD PO
KODASSERY, VETTIKKATTIRI VILLAGE, ERMNAD TALUK
MALAPPURAM DISTRICT PIN-676521
8. VALSALA ANTHARJANAM,
W/O. MARANATT MANAKKAL SUBRAMANIAN NAMBOODIRIPAD,
PARANATT MANAKKAL, PANDIKKAD P.O.,
VETTIKKATTIRI VILLAGE, ERNAD TALUK,
MALAPPURAM DISTRICT PIN 676 521.

R1 BY GOVERNMENT PLEADER SRI. REJI JOSEPH
R2 TO R7 BY ADV. SRI.M.KRISHNAKUMAR

THIS CRP (LAND REFORMS ACT) HAVING BEEN FINALLY HEARD ON
11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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P.BHAVADASAN, J.

C.R.P.(L.R.) No. 34 of 2015

Dated this the 11th day of March, 2015

ORDER

This revision is directed against the order dated 17.12.2014 in I.A.No.253/2013 in A.A.No.107/2013 whereby the appellate authority dismissed the delay condonation application finding that no sufficient cause has been shown to condone the delay. Consequently the appeal was also dismissed.

2. The petitioner now claims that she is a tenant of the property and her grievance is that in the light of the claim, the appellate authority ought to have considered her claim on merits and dismissal of the delay condonation petition and consequently the appeal has caused considerable prejudice to her. It is pointed out that when she approached the revenue authority for paying tax, they pointed out that purchase certificate has already been issued and later she came to know that the property was

wrongly included in the purchase certificate of the respondents. That is how she had occasion to move the appellate authority. In the light of the record issued by the revenue authority, it is pointed out by the petitioner that the appellate authority ought to have considered her claim.

3. The learned counsel appearing for the respondents on the other hand pointed out by referring to the appeal memorandum that the very specific ground taken in the appeal memorandum is that the petitioner is in possession from 1970 onwards and in the last portion of the appeal memorandum, what is stated is Kudikidappu right. Therefore, even assuming that it was not considered on merits, there is no prejudice caused to the petitioner since contradiction in terms are apparent in the appeal memorandum. Therefore, it is contended that there is no ground to interfere with the order in question.

4. After having heard the learned counsel for the petitioner and the learned counsel for the respondents, it is

felt that an opportunity ought to be given to the petitioner to have the appeal considered on merits, in the light of the rights involved in the proceedings.

5. In the result, this petition is allowed and the impugned order is set aside and the appellate authority is directed to take the appeal on file and dispose it of on merits on the basis of appeal memorandum now present before this Court. The appellate authority shall also consider the petition filed by the respondents challenging the maintainability of the appeal. Amendment of appeal memorandum shall not be allowed.

The parties shall appear before the appellate authority on **07.04.2015**. The appellate authority may dispose of the appeal as expeditiously as possible, at any rate, within a period of three months from the date of appearance of the parties.

Sd/-
P.BHAVADASAN
JUDGE

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