

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

CRP(LR).No. 130 of 2014 ()

I.A NO. 44/2012 IN AA 27/2012 OF APPELLATE AUTHORITY (LR), THRISSUR

REVISION PETITIONER/APPELLANT :

ARUMUGHAN
S/O. OUDKATHIL AYYAPPAN,
ARIYALLOOR AMSOM DESOM
THIRURANGADI TALUK,
PO ARIYALLOOR, MALAPPURAM.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS/RESPONDENTS & STATE :

1. THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM - 695 001
2. THE APPELLATE AUTHORITY (LR)
AYYANTHOLE, THRISSUR - 680 003.
3. THE SPECIAL TAHSILDAR (LR)
TIRUR - 676 101, MALAPPURAM

R1 TO R3 BY GOVT. PLEADER SRI. C.K. JAYAKUMAR

THIS CRP (LAND REFORMS ACT) HAVING BEEN FINALLY HEARD
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A1 : DOCUMENT NO. 1968/1944 OF PARAPPANANGADI SUB REGISTRAR OFFICE.

ANNEXURE A2 COPY OF THE DOCUMENT NO. 1226/1953 OF SRO, PARAPPANANGADI.

ANNEXURE A3 COPY OF THE PURCHASE CERTIFICATE NO. 4764/1976 OF THE LAND TRIBUNAL, PARAPPANANGADI.

ANNEXURE A4 COPY OF THE REGISTERED PARTITION DEED NO. 856/1998 OF SRO, PARAPPANANGADI.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.BHAVADASAN, J.

C.R.P.(L.R.)No. 130 of 2014

Dated this the 07th day of January, 2015

O R D E R

The grievance of the petitioner is that in granting the purchase certificate by the Land Tribunal concerned, the survey number of the property shown is 188/8 instead of 180/8. The petitioner moved the appellate authority for rectification of the above error but as the appeal was filed out of time, the delay condonation petition was also filed. The appellate authority, finding no justification for condoning the delay dismissed the delay condonation petition and so also the appeal.

2. Probably, the petitioner was ill advised to file an appeal as he could have easily taken recourse to Rule 136A of the Kerala Land Reforms (Tenancy) Rules. That provision enables clerical mistake in the order of Land Tribunal or any accidental slip or omission which arises in the proceedings be corrected by the concerned Land Tribunal.

3. The petitioner has produced Annexures A1, A2 and A4 which are prior and subsequent documents of title to Annexure A3 wherein the survey No. shown is 180/8. It therefore could not be said that the claim of the petitioner for correction in the purchase certificate is without justification. Probably in the application for assignment, the survey number might have been shown as 188/8 which might have been carried in the purchase certificate also. However, the petitioner lays claims to the property comprised in Survey No. 180/8 as per Annexures A1, A2 and A4.

4. If as a matter of fact, the property is comprised in 180/8 it is only proper that proper correction be carried out in the purchase certificate. The appellate authority has not gone into the merits of the case at all. However, since the appeal may not be a remedy, it will be only appropriate to direct the Land Tribunal concerned to consider the correction application and pass appropriate orders in

accordance with law.

This petition is allowed and the matter is remanded to the Land Tribunal concerned with a direction to consider the application for correction filed by the petitioner, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this order.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge