

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

CRP(LR).No. 483 of 2014 (A)

AGAINST THE PROCEEDINGS IN L.7-CC 145/73 KKA OF THE TALUK LAND BOARD,
KOTTARAKKARA DATED 27-06-2014

PETITIONER:

A.G. THOMAS, AGED 71 YEARS
S/O. K.A. GEORGE, AYANIKKATTU BUNGLOW,
PIDAVOOR, PATHANAPURAM, KOLLAM DISTRICT.

BY ADV. SRI. S. NIDHEESH

RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE TALUK LAND BOARD, KOTTARAKKARA - 691 506.

BY SENIOR GOVERNMENT PLEADER SRI. SAIDALAVI K.K.

THIS CRP (LAND REFORMS ACT) HAVING BEEN FINALLY HEARD ON
23.03.2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

I.A.NO.1716/2014 IN C.R.P.(LR) NO.483/2014

DISMISSED

23/03/2015

SD/- **K.T.SANKARAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-1 TRUE COPY OF THE NOTICE DATED 16.6.2014 FROM
COLLECTORATE, KOLLAM ASKING THE PETITIONER
TO APPEAR ON 27.6.2014.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

AHZ/

K.T.SANKARAN, J.

C.R.P. (L.R.) No.483 OF 2014 (A)

Dated this the 23rd day of March, 2015

ORDER

Ceiling proceedings were initiated against Philip Abraham alias T.PAbraham in No.L7-CC.145/73/KKA. As per the final order passed by the Taluk Land Board, Kottarakara, the declarant was directed to surrender an extent of 2.47 acres of land as excess land. The declarant filed Revision (C.R.P.No.5581 of 1976) and the case was remanded to the Taluk Land Board. Thereafter another final order was passed and another Revision was filed. On 19.8.1981, the petitioner filed a claim petition under Section 85(8) of the Kerala Land Reforms Act. The contention of the petitioner is that the proceedings were under hibernation for the last 33 years and finally, the Taluk Land Board issued a notice dated 16.6.2014 directing the petitioner to appear on 27.6.2014. The petitioner states that he received the notice on 20.6.2014 and engaged a lawyer. What transpired thereafter, whether the lawyer appeared for the petitioner, whether he argued the case etc. are not stated in the Revision.

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2. It is stated in the Revision that in 1972, the declarant, Philip Abraham, sold an extent of 8.95 acres of land to three persons including the petitioner. The petitioner purchased three acres of land from Philip Abraham. Philip Abraham sold 3.95 acres of land to Leelamma Thomas and two acres to George Mathew. As per the final order in the ceiling case, the declarant was directed to surrender an extent of 2.47 acres in Sy.No.722/4A of Pidavoor Village. According to the petitioner, he is having an extent of 2.14 acres in Sy.No.722/4A. Likewise, George Mathew is having an extent of two acres of land in that survey number.

3. From the order impugned, it is clear that the matter was disposed of without hearing the petitioner. The Taluk Land Board did not consider the question as to whether the claimant is entitled to the benefit of Section 7E of the Kerala Land Reforms Act, as inserted by the Amendment Act 21 of 2006. No proper opportunity of being heard was also afforded to the petitioner. The claim petition having been filed in 1981, the Taluk Land Board should have provided a meaningful opportunity to the petitioner to prepare the case and

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present it before the Taluk Land Board. It is to be noted that the contention of the petitioner is that after 1981 no proceedings were taken in the case and the ceiling case was not posted before the Taluk Land Board.

4. Accordingly, the order dated 27.6.2014 passed by the Taluk Land Board is set aside. The Taluk Land Board shall dispose of the matter afresh after affording an opportunity of being heard to the petitioner after giving fifteen days' clear notice. The Taluk Land Board shall also consider the question whether the petitioner is entitled to the benefit of Section 7E of the Kerala Land Reforms Act. The petitioner would be entitled to amend his application under Section 85(8) of the Kerala Land Reforms Act in accordance with the changed circumstances.

The Civil Revision Petition (Land Reforms) is allowed as above.

(K.T.SANKARAN)
Judge

ahz/