

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

CRP(LR).No. 723 of 2014 ()

C.C.NO.TLB.NO.335/73 OF TALUK LAND BOARD, CHANGANACHERRY

CIVIL REVISION PETITIONER :

**STATE OF KERALA,
REP. BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (N) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

BY SPL.GOVERNMENT PLEADER SMT.SUSHEELA BHAT

RESPONDENT :

**NARAYANAN NAMBOOTHIRI,
EDASSERI MANA, VAZHAPPALLY EAST,
CHANGANACHERRY.**

**THIS CRP (LAND REFORMS ACT) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

P.BHAVADASAN, J.

C.R.P. (LR) No.723 of 2014

Dated this the 06th day of January, 2015

ORDER

Aggrieved by the order dated 16.01.2014 of Taluk Land Board, Changanassery, the State has come up in revision.

2. The proceedings as against the respondent herein was finalized as per order dated 31.08.1976 finding that there were no excess land held by the declarant and therefore, he was not bound to surrender any land to the State Government. Subsequently, taking aid of Section 85 (9)(A) of the Kerala Land Reforms Act, proceedings were reopened and a re-assessment was made. The authorized officer concerned filed a report indicating that there is nothing to show that there were any new materials warranting interference with the earlier order. Accepting the said report, proceedings were closed.

3. The main grievance of the State is that 14.79 acres of land, that was excluded is not liable to be excluded

for there was no records to show that the declarant was not in possession of the same though he contented that he had transferred the properties to strangers. The specific contention is that the finding as regards 14.79 acres of land is misconceived.

4. After having gone through the order of the Taluk Land Board, this Court finds no ground to interfere with the order impugned in this proceedings. In both the proceedings, it was found that the total extent of land held by the declarant as per the declaration submitted by him is 23.47.000 acres of land. It is significant to notice that the declaration filed by the declarant was verified through the authorized officer and it was on the basis of the authorized officer's report, it was found that an area of 20.02.000 acres was liable to be exempted and deducting the same, there were no excess area in the possession of the declarant. Even though the proceedings were reopened, there were no fresh materials to warrant a conclusion that the earlier order

was unjustified or wrong. It was the said fact which had persuaded the authority concerned to come to the conclusion that there is no justification for re-opening the proceedings.

5. After having heard the learned Government Pleader, this Court finds no ground to interfere with the order of the court below which is based on facts and materials available before the Taluk Land Board. The finding is mainly based on the authorized officer's report which is a statutory report and there is nothing to show that this report is erroneous in any manner.

This Court finds little merit in this C.R.P. and it is accordingly dismissed.

Sd/-
P.BHAVADASAN
JUDGE

ds

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P.A. to Judge