

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP(C).No. 767 of 2015 (O)

I.A.NO.736/2014 IN MTOP 4/2013 OF MUNNAR SPECIAL TRIBUNAL

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PETITIONER(S):

**C.M.ABDUL KHADER,
CHIRAYATH, 2ND MILE, PALLIVASAL,
MUNNAR, IDUKKI DISTRICT.**

BY ADV. SRI.DENIZEN KOMATH

RESPONDENT(S):

- 1. ADDITIONAL TAHSILDAR,
TALUK OFFICE, DEVIKULAM - 685 561.**
- 2. VILLAGE OFFICER,
PALLIVASAL VILLAGE, PALLIVASAL - 685 565.**

BY GOVERNMENT PLEADER SRI.REJI JOSEPH

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 07-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 767 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE PHOTOCOPY OF THE APPEAL MEMO FILED U/S.16 OF THE
KERALA LAND CONSERVANCY ACT.**

**EXHIBIT-P2: TRUE PHOTOCOPY OF THE I.A.736/14 IN MTOP 4/13 IN THE FILED OF
MUNNAR SPECIAL TRIBUNAL.**

**EXHIBIT-P3: TRUE PHOTOCOPY OF THE IMPUGNED ORDER DATED 22.1.2015 IN
I.A.NO.736/2014 IN MTOP 4/2013.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.BHAVADASAN, J.

O.P.(C) No.767 of 2015

Dated this the 07th day of April, 2015

J U D G M E N T

Under challenge is Ext.P3 order whereby the Munnar Tribunal, constituted under the Act 13 of 2010, refused to entertain an application by the petitioner to keep in abeyance the proceedings against him initiated under Land Conservancy Act and Rules initially.

2. The petitioner points out that there was a proceeding before the authority concerned in which he was directed to be evicted and he filed an appeal before the RDO. While that appeal was pending, the Munnar Special Tribunal Act, 2010 (hereinafter referred to as 'the Act 13 of 2010') was brought into force. As per Section 4 of the said Act, all dispute in respect of Munnar area pending before any Court or any other authority except the High Court and the Supreme Court was to stand transferred to the Tribunal on constitution of the Tribunal under the Act. Therefore, on

constitution of the Tribunal, the appeal which was pending before the RDO was also transferred to Munnar Tribunal. Going by Section 3 of the Act 13 of 2010, the Tribunal has to conduct trial and adjudication of all cases and dispute to be transferred to that court following the procedure contained in C.P.C..

3. That would *ipso facto* mean that the matter referred to from the RDO's office to the Munnar Tribunal has to be disposed of in terms of Section 3(9) of the Act 13 of 2010.

4. It that be so, the proceedings now initiated under the Land Conservancy Act may not have any application as far as the petitioner is concerned since he is to be guided and his rights are adjudicated and decided as per Act 13 of 2010.

5. While refusing to entertain the petition, it is made clear that the Munnar Tribunal shall follow proceedings under the Act in respect of the matter transferred to it from

the RDO's Court in which the petitioner is the appellant.

With the above observation, this petition is disposed of.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge