

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

OP(C).No. 1183 of 2015 (O)

PETITIONERS :

1. PUTHIYONNAN REEJA, AGED 48 YEARS,
W/O.BALARAMAN, HOUSEWIFE, RESIDING AT "RB"
IRITTY ROAD, MATTANNUR, P.O. MATTANNUR,
KANNUR DISTRICT, PIN-670 702.
2. THOVARAYI RAUL, S/O.BALARAMAN, AGED 27 YEARS,
MBBS STUDENT (HOUSE SURGEON), RESIDING AT "RB"
IRITTY ROAD, MATTANNUR, P.O. MATTANNUR,
KANNUR DISTRICT, PIN-670 702.
3. THOVARAYI RAKHIL, S/O.BALARAMAN, AGED 21 YEARS,
STUDENT, RESIDING AT "RB", IRITTY ROAD,
MATTANNUR, P.O. MATTANNUR, KANNUR DISTRICT-PIN-670 702.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS :

1. THE SPECIAL TAHSILDAR,
LAND ACQUISITION, THALASSERY,
KANNUR DISTRICT -670 101.
2. THE LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM- 695 001.
3. THE KERALA INDUSTRIAL INFRASTRUCTURE,
DEVELOPMENT CORPORATION
(KINFRA), KINFRA HOUSE, 31/2312
SASTHAMANGALAM, THIRUVANANTHAPURAM-695 010
REPRESENTED BY ITS MANAGING DIRECTOR.
4. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR,
COLLECTORATE, KANNUR - 670 001.
5. THE VILLAGE OFFICER
KOLARI VILLAGE, KOLARI, MATTANNUR
KANNUR DISTRICT, PIN-670 702.

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**6. THE VILLAGE OFFICER
KEEZHALLUR VILLAGE, KEEZHALLUR, MATTANNUR P.O.,
KANNUR DISTRICT, PIN-670702.**

**BY GOVERNMENT PLEADER SRI. REJI JOSEPH
BY SRI.G.S.REGHUNATH**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE PLAINT IN OS NO.291 OF 2012 ON THE FILE OF THE SUBORDINATE JUDGE'S COURT, THALASSERY.
- P2: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS NO.1, 2 AND 4 TO 6 IN OS NO.291 OF 2012 ON THE FILE OF THE SUBORDINATE JUDGE'S COURT, THALASSERY.
- P3: TRUE COPY OF THE AFFIDAVIT AND PETITION IN IA NO.1956 OF 2013 IN OS NO.291 OF 2012 ON THE FILE OF THE SUBORDINATE JUDGE'S COURT, THALASSERY.
- P4: TRUE COPY OF THE COUNTER STATEMENT FILED BY THE ADDITIONAL GOVERNMENT PLEADER IN IA NO.1956 OF 2013 IN OS NO.291 OF 2012 ON THE FILE OF THE SUBORDINATE JUDGE'S COURT, THALASSERY.
- P5: TRUE COPY OF THE ORDER DATED 26-3-2014 IA NO.1956 OF 2013 IN OS NO.291 OF 2012 ON THE FILE OF THE SUBORDINATE JUDGE'S COURT, THALASSERY.
- P6: TRUE COPY OF THE APPLICATION FILED IN IA NO.1133 OF 2014 IN O.S NO.291 OF 2012 ON THE FILE OF THE SUBORDINATE JUDGE'S COURT, THALASSERY.
- P7: TRUE COPY OF THE ORDER DATED 23.9.2014 IN O.P(TR)NO.274 OF 2014 ON THE FILE OF THE DISTRICT COURT, THALASSERY.
- P8: TRUE COPY OF THE ORDER DATED 6-2-2015 IN IA NO.1133 OF 2014 IN OS NO.291 OF 2012 ON THE FILE OF THE ADDL. SUBORDINATE JUDGE'S COURT, THALASSERY.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
O.P.(C) No.1183 of 2015
.....

Dated this the 2nd day of June, 2015

J U D G M E N T

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What is challenged in this OP is Ext.P8 order dated 13.01.2015 passed by the Subordinate Judge's Court, Thalassery in IA. No.1133/2014 in OS.291/2012. It seems that through IA. No.1133/2014, the petitioners have sought for a large number of registers from government offices, may be, in order to show that the notification in the case was not published. As those documents to be produced are not correctly specified, it seems that the court below has denied the request through Ext.P8 order. At the same time, it seems that the court below has given the petitioners liberty to file a fresh petition by specifying the documents to be produced.

2. According to the learned counsel for the petitioners, he is not in the know-how of the actual

documents and the date of the entries in that particular registers with regard to the publication of the notification. Even during evidence, if it comes to the knowledge of the petitioners, the liberty to move the Court below again has been reserved by the court below through Ext.P8 order. In such case, Ext.P8 order will not stand in the way of the petitioners to make a further request to the court below to call upon the other parties to produce those documents. By giving the said liberty to the petitioners, this Court is of the view that this OP can be closed.

OP(Civil) is closed as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/02/06

// True Copy //

PA to Judge