

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

OP(C).No. 1641 of 2015 (O)

OA 236/1971 of LAND TRIBUNAL, PALAKKAD

PETITIONER :

**MUTHUSWAMY PILLAI, AGED 72 YEARS,
S/O. LATE PAZHANIYANDI PILLAI,
KUNNATHURMEDU, PALAKKAD**

BY ADV. SRI.C.P.PRADEEP

RESPONDENTS :

- 1. THE TAHSILDAR (LAND REFORMS),
LAND TRIBUNAL, PALAKKAD PIN-678001**
- 2. N.S. SAROJA, AGED 75 YEARS,
W/O. LATE R.S. RAMAKRISHNAN,
KUNNATHURMEDU, PALAKKAD - 678013.**

R1 BY GOVERNMENT PLEADER SRI. REJI JOSEPH.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 15-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE PURCHASE CERTIFICATE N. 516/1981 ISSUED BY LAND TRIBUNAL PALAKKAD.
- P2: COPY OF THE ORDER DT 15/6/1989 OF THE LAND TRIBUNAL PALAKKAD.
- P3: COPY OF THE ORDER IN AA NO. 138/1989 OF THE APPELLATE AUTHORITY.
- P4: COPY OF THE ORDER OF THE LAND TRIBUNAL DT 16/4/2007 OF THE LAND TRIBUNAL PALAKKAD.
- P5: COPY OF THE JUDGMENT IN WPC NO. 27805/2013 13/10/2014.
- P6: COPY OF THE ORDER DT 6/2/2015 OF THE APPELLATE AUTHORITY

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
O.P.(C) No.1641 of 2015
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Dated this the 15th day of July, 2015

J U D G M E N T

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The remand order is under challenge. After a checkered career, that too, after four rounds of litigation, again, the appeal was considered by the Appellate Authority. The Appellate Authority has chosen to set aside the order passed by the Land Tribunal, thereby allowing the appeal and has remitted the matter to the Land Tribunal for fresh disposal, after taking evidence from the parties. According to the petitioner, evidence was adduced by the petitioner earlier and, therefore, the Appellate Authority ought not to have entered such an observation in the remand order. It is not imperative that the petitioner should adduce evidence. There is no such compulsion. In case the petitioner does

not want to adduce any further evidence, then, the petitioner can rely on the existing evidence in the matter and argue the matter.

With the said observations, this O.P.(Civil) is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/15/07

// True Copy //

PA to Judge