

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

OP(C).No. 3062 of 2014 (O)

OS 229/2012 OF MUNSIFF'S COURT, KOYILANDY.

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PETITIONER/PLAINTIFF:

ARAAM KOTTAKKAL PRABHAKARAN NAIR,
S/O.LATE CHEKKINI NAIR, AGED 62 YEARS,
AGRICULTURIST, RESIDING AT
VELLAPPALAN HOUSE, AVITANALLUR AMSOM,
POONATH DESOM, KOYILANDY TALUK,
KOZHIKODE DISTRICT, PIN - 673614.

BY ADV. SRI.R.SURENDRAN

RESPONDENT(S)/DEFENDANTS:

1. KUTTYORAKKANDY RAGHAVAN NAIR,
S/O.UNNYATHA AMMA, AGED 82 YEARS,
NO OCCUPATION, KUTTYORAKKANDY HOUSE,
AVITANALLUR AMSOM, POONATH DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN - 673614.
2. STATE OF KERALA, REPRESENTED BY
DISTRICT COLLECTOR, CIVIL STATION,
KOZHIKODE, PIN - 673020.
3. THE TAHSILDAR, KOYILANDY TALUK, MINI CIVIL STATION,
KOYILANDY, KOZHIKODE DISTRICT, PIN - 673305.
4. VILLAGE OFFICER, AVITANALLUR VILLAGE OFFICE,
AVITANALLUR AMSOM, POONATH DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN - 673614.

R2 TO R4 BY GOVERNMENT PLEADER SMT.LILLY DESLIE

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE PLAINT IN O.S.NO.229 OF 2012 ON THE FILE OF MUNSIFF'S COURT, KOYILANDY.
- P2: TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE PETITION I.A.1541 OF 2012 IN O.S.NO.229 OF 2012 ON THE FILE OF MUNSIFF'S COURT, KOYILANDY.
- P3: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE FIRST RESPONDENT AS DEFENDANT NO.1 IN THE SUIT.
- P4: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE THIRD RESPONDENT AS DEFENDANT NO.3 IN THE SUIT.
- P5: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE FOURTH RESPONDENT AS DEFENDANT NO.4 IN THE SUIT.
- P6: TRUE COPY OF THE COUNTER STATEMENT IN EXHIBIT P2 FILED BY THE FIRST RESPONDENT.
- P7: TRUE COPY OF THE COUNTER STATEMENT IN EXHIBIT P2 FILED BY THE THIRD RESPONDENT.
- P8: TRUE COPY OF THE JUDGMENT DATED 4.6.2013 IN WPC.NO.14077 OF 2013.
- P9: TRUE COPY OF THE ORDER DATED 17.10.2013 IN TLB(Q) 162 OF 1977 OF TALUK LAND BOARD, QUILANDY.
- P10: TRUE COPY OF THE ORDER DATED 9.10.2014, IN C.R.P(LR)NO.732 OF 2013.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.BHAVADASAN, J.

O.P.(C) No. 3062 of 2014

Dated this the 28th day of January, 2015

J U D G M E N T

Short grievance voiced at the time of hearing the petition is that the petitioner apprehends that the Government may take a portion of his property as excess land that is to be surrendered by the first respondent in proceedings initiated against them.

2. The petitioner has instituted a suit for fixation of boundaries. He has also filed I.A.No. 1541/2012 in O.S.No. 229/2012 as early as in December, 2012. The complaint is that so far as the said petition has not been taken up and disposed of on merits and it causes considerable apprehension in the mind of the petitioner that the government may take the land. He therefore prays for an expeditious disposal of the I.A.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is

unnecessary.

This petition is disposed of directing the Munsiff Court, Koyilandi to take up I.A. No. 1541/2012 in O.S.No. 229/2012 at the earliest and dispose it of on merits, after hearing on both sides, in accordance with law, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge