

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

RP.No. 525 of 2015 IN CRP.202/2010

AGAINST THE ORDER IN CRP 202/2010 of HIGH COURT OF KERALA
DATED 29-08-2014.

REVIEW PETITIONER(S)/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2. THE LAND BOARD,
CHITTUR, REPRESENTED BY ITS CHAIRMAN.

BY SPECIAL GOVERNMENT PLEADER
SMT. SUSHEELA R. BHAT

RESPONDENT(S)/REVISION PETITIONER:

1. RAMASWAMY GOUNDER,
S/O. MARAPPA GOUNDER, KOZHIPATHY VILLAGE,
MOONGILMADA P.O., CHITTUR TALUK,
PALAKKAD DISTRICT-678 101.

2. K. KANTHASWAMY, S/O. KALIYAPPAN GOUNDER,
KOZHIPATHY VILLAGE, VANNAMADA P.O., CHITTUR TALUK,
PALAKKAD DISTRICT-678 555.

BY SRI.P.R.VENKETESH

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 24-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. HARILAL, J.

R.P.No. 525 of 2015
in
C.R.P. No.202 of 2010

Dated this the 24th day of July, 2015

ORDER

The State is aggrieved by the order dated 29/8/2014 passed in the above revision petition. The petitioners are the respondents in the above revision petition. The case put forward in this review petition is that by virtue of the new amendment introduced by the Kerala Land Reforms Act, 2014, published by the Gazette Notification dated 28/2/2015, the extent of land that can be claimed by a deemed tenant cannot exceed 4 Acres of land each. However, this Court declared that both the revision petitioners are deemed tenants in respect of a land which exceeds the said

statutory limit. As per the new amendment rules, the deemed tenants are bound to obtain purchase certificate as per Sec.106B of the KLR Act to an extent of 4 Acres of property only. But, in the instant case, now, by the impugned order, the respondents are allowed to obtain purchase certificate for an extent more than 4 Acres. Thus, the errors which have been crept into the order are liable to be corrected by way of review in the light of the amended provisions of the Act.

2. Heard the learned Special Government Pleader appearing for the petitioners.

3. The learned Special Government Pleader advanced arguments in the light of the new amendment brought to the Statute by virtue of the Gazette Notification dated 2/2/2015 and contended that the extent of the property which is allowed to be retained by the petitioners as deemed tenants exceeds the maximum limit prescribed by the new

amendment with retrospective effect.

4. Going by the grounds raised in the Memorandum of Review Petition, in the light of the Gazette Notification dated 2/2/2015, I am unable to accept the arguments advanced by the learned Special Government Pleader. The new amendment has come into force with effect from 2/2/2015 only. It is true that the retrospective effect has been given to the new amendment. But, it is pertinent to note that the impugned order was passed on 29/8/2014. Even though the retrospective effect has been given to the amendment, that retrospective effect has no consequence at all on the order passed by this Court on 29/8/2014, in the absence of non obstante clause in the amendment. Therefore, I find that the retrospective effect granted to the new amendment will not affect the order passed by this Court on 29/8/2014. Needless to say, the impugned order is devoid of any mistake, as alleged by the petitioners.

The matter in issue was decided in conformity with the law which was in force at that time. So, subsequent amendment will not affect the said decision.

In the above view of the matter, I find that this review petition is devoid of merits and dismissed accordingly.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge