

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

RP.No. 658 of 2015 () IN CRP.787/2007

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AGAINST THE ORDER IN CRP 787/2007 of HIGH COURT OF KERALA
DATED 05-06-2015**

REVIEW PETITIONER(S)/REVISION PETITIONER:

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G.JAYAKRISHNAN
S/O. PANCHALI THARAKATHIYAR, POOKKAT HOUSE
THOOTTIPADAM, VALLAKKAD P.O., VIA KOLLENGODU
PALAKKAD DISTRICT.**

BY ADV. SRI.P.R.VENKETESH

RESPONDENT(S)/RESPONDENT:

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- 1. TALUK LAND BOARD
CHITTUR - 678 101.**
 - 2. THE TAHSILDAR
CHITTUR - 678 101.**
 - 3. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SMT. SUSHEELA BHATT

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 29-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ds

P.BHAVADASAN, J.

R.P. No. 658 of 2015

in

C.R.P. No.787 of 2007

Dated this the 29th day of October, 2015

ORDER

This Court by order dated 05.06.2015 dismissed C.R.P.No. 787/2007 holding that the revision petition was without merits.

2. A reading of the order shows that three contentions were taken out of which one of the main contention was with respect to 7E of the Kerala Land Reforms Act. For the purpose of invoking Section 7E of the Kerala Land Reforms Act, the petitioner then relied on a partition deed said to have been executed by the mother and then claimed benefit under Section 7E of the Kerala Land Reforms Act. This Court had held in the order dated 05.06.2015, that a partition deed cannot form the basis for a claim under Section 7E as it could not be said to be an acquisition by paying valuable consideration and declined to

accept the said plea.

3. It is now pointed out that the mother of the petitioner namely Panchali Tharakathiar, who died on 17.08.1997, had disposed of two items of property; one having an extent of 1.23 acres and another 90 cents during the period made mention of in Section 7E and going by the decision of the Division Bench reported in **State of Kerala v. Fr. Xavier Karuvallil and Others** (2015 (4) KHC 210), those lands may qualify for exemption. The learned counsel also pointed out that her two sons have also executed documents namely, 1828/2006 and 1826/2006 constituting nearly about 86 and odd cents. Whether that qualifies for an exemption under Section 7E is a matter of to be considered.

4. It is felt that in the light of the decision of the Division Bench the claim regarding the assignment made by the parties need to be considered afresh.

This review petition is allowed and it is directed that the

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Taluk Land Board may reconsider the issue with reference to the assignment made by the mother and the other two documents referred to in this order. The Taluk Land Board concerned may dispose it of with in a period of six months from the date of receipt of a copy of this order.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge