

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

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

WP(C).No. 7239 of 2005 (J)

PETITIONER(S):

**C.G.MATHEW, S/O.GEVARGHESE,
CHENGAMANAT HOUSE, VAZHODKARA, PANNIANKARA POST
PALAKKAD DISTRICT.**

BY ADV.SRI.SANTHEEP ANKARATH

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF REVENUE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, THRISSUR.**
- 3. THE TAHSILDAR, TALUK OFFICE,
THALAPPILLY TALUK, THRISSUR DISTRICT.**
- 4. N.S.PAILY, S/O. MANI,
NERIANKUZHI HOUSE, KANNAMPRA VILLAGE, VAZHODE DESOM
PANNIANKARA P.O., ALATHUR TALUK, PALAKKAD DISTRICT.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN
R4 BY ADV. SRI.A.JAYASANKAR
R4 BY ADV. SRI.C.ANIL KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1: COPY OF THE REPORT AND PLAN FILED BY THE COMMISSIONER DATED 17.07.2004.
- EXT.P2: COPY OF THE NOTICE DATED 19.7.2003 ISSUED BY THE 2ND RESPONDENT.
- EXT.P3: COPY OF THE NOTICE DATED 31.05.2004 BY THE 3RD RESPONDENT.
- EXT.P4: COPY OF THE NOTICE DATED 25.01.2005 BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS:

- EXT.R4(a): COPY OF THE COMPLAINT DATED 9.4.03 LODGED BY THE 4TH RESPONDENT BEFORE THE R.D.O. THRISSUR.
- EXT.R4(b): COPY OF THE NOTICE DATED 19.07.03 ISSUED BY THE R.D.O. THRISSUR.
- EXT.R4(c): COPY OF THE MASS PETITION DATED 16.6.04 SUBMITTED BY THE PADASEKHARAM OWNERS TO THE DISTRICT COLLECTOR THRISSUR.
- EXT.R3(a): COPY OF THE PROCEEDINGS FROM 17.07.2003 TO 20.10.2003.
- EXT.R3(b): COPY OF THE NOTICE DATED 3.07.2003 ISSUED TO BIJU MATHEW BY R.D.O. THRISSUR.
- EXT.R3(c): COPY OF THE NOTICE DATED 26.08.2003 ISSUED BY R.D.O., THRISSUR TO N.S. PAULY.
- EXT.R3(d): COPY OF THE NOTICE DATED 19.07.03 ISSUED BY R.D.O. THRISSUR TO BIJU MATHEW.
- EXT.R3(e): COPY OF THE CONDITIONAL ORDER DATED 8.10.2004 ISSUED BY R.D.O.

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P.(C) No. 7239 of 2005 (J)

Dated this the 15th day of July, 2015

J U D G M E N T

The petitioner challenges Ext.P4 order for reason of the officer who issued the order having no competence to issue the same.

2. Ext.P4 is an order issued by the Tahsildar Thalappilly against the petitioner under the Kerala Land Utilisation Order, 1967 (for brevity 'KLU Order'). A reading of the provisions of the KLU Order would indicate that the District Collector and the R.D.O. are the authorised officers to invoke the provisions of the said order.

3. In such circumstance, the order at Ext.P4 is set aside, leaving open the right of the Authorised Officer to take appropriate proceedings, if so advised.

Writ Petition allowed.

Sd/-
K.VINOD CHANDRAN,
JUDGE