

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 1042 of 2014 (E)

PETITIONER(S):

**K.BHAGEERATHAN, AGED 64 YEARS,
S/O.KUNHAN NAIR, MANJATH HOUSE, AMBALAVAYAL P.O.,
WAYANAD DISTRICT.**

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENT(S):

- 1. THE INSPECTOR OF POLICE, VIGILANCE & ANTI CORRUPTION
BUREAU, WAYANAD UNIT, OFFICE OF THE DEPUTY
SUPERINTENDENT OF POLICE, VIGILANCE & ANTI CORRUPTION
BUREAU, MEENANGADI, WAYANAD DISTRICT, PIN - 673 591.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION BUREAU,
MEENANGADI,WAYANAD DISTRICT,PIN - 673 591.**
- 3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 4. KUNHIMUHAMMED T.P.,
S/O.ABU, THEKKEPEEDIKAKKAL HOUSE, P.O. AMBALAVAYAL,
WAYANAD DISTRICT, PIN - 673 593.**

R1 - R3 BY GOVERNMENT PLEADER S.HYMA

R4 BY ADVS. SRI.P.G.SURESH

SRI.G.SUDHEER (THURAVOOR)

SRI.RAJAN VISHNURAJ

SRI.V.HARISH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE COMPLAINT FILED BY THE 4TH RESPONDENT AS
CMP NO.784/2013 DATED 14/5/2013 BEFORE THE ENQUIRY COMMISSIONER
AND SPECIAL JUDGE, KOZHIKODE.
- EXT.P2. TRUE COPY OF THE QUICK VERIFICATION REPORT SUBMITTED BY THE
1ST RESPONDENT DATED 27/9/2013.
- EXT.P3. TRUE COPY OF THE DISCHARGE CERTIFICATE ISSUED BY THE
COMMANDING OFFICER OF THE 122 INFANTRY BATTALION (TA)
- EXT.P4. TRUE COPY OF THE RELEVANT PORTION OF THE DEFINITION OF
EX-SERVICEMAN AS PER THE NOTIFICATION NO.F-14/26/64-ESTT.(D)
DATED 11/10/1996.
- EXT.P5. TRUE COPY OF THE COMMUNICATION DATED 5/3/1984 OF THE
ADMINISTRATIVE OFFICER, AMBALAVAYAL.
- EXT.P5(A). TRUE COPY OF THE SKETCH PREPARED BY THE ADMINISTRATIVE
OFFICER, AMBALAVAYAL.
- EXT.P6. TRUE COPY OF ONE OF THE NOTICE ISSUED BY THE ADMINISTRATIVE
OFFICER, IN APPENDIX-V DATED 25/4/1984.
- EXT.P7. TRUE COPY OF THE COMMUNICATION DATED 16/5/1984 ISSUED FROM THE
ADMINISTRATIVE OFFICER, AMBALAVAYAL TO THE DISTRICT COLLECTOR,
WAYANAD.
- EXT.P8. TRUE COPY OF THE COMMUNICATION DATED 25/5/1984 ISSUED BY THE
DISTRICT COLLECTOR TO THE SECRETARY, BOARD OF REVENUE.
- EXT.P9. TRUE COPY OF THE GOVERNMENT ORDER DATED 14/9/1984.
- EXT.P10. TRUE COPY OF THE COMMUNICATION DATED 24/7/1984 ISSUED BY THE
DISTRICT COLLECTOR, WAYAND.
- EXT.P11. TRUE COPY OF THE COMMUNICATION DATED 25/7/1984 OF THE
ADMINISTRATIVE OFFICER, AMBALAVAYAL.
- EXT.P12. TRUE COPY OF THE REGISTRY OF PATTA ISSUED IN FAVOUR OF THE
PETITIONER
- EXT.P13. TRUE COPY OF THE PURCHASE CERTIFICATE DATED 12/10/1984.
- EXT.P14. TRUE COPY OF THE JUDGMENT DATED 28/11/1996 IN OP NO.10306/1996.
- EXT.P15. TRUE COPY OF ORDER OF THE GOVERNMENT DATED 9/6/1997.

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EXT.P16. TRUE COPY OF THE JUDGMENT DATED 29/7/2005 IN OP NO.21649/1996.

EXT.P17. TRUE COPY OF THE GOVERNMENT ORDER DATED 5/11/2005.

EXT.P18. TRUE COPY OF THE JUDGMENT DATED 14/3/2006 IN WPC NO.4365/2006.

EXT.P19. TRUE COPY OF THE ORDER DATED 5/2/2007 OF THE PRINCIPAL
SECRETARY TO THE REVENUE (L) DEPARTMENT.

EXT.P20. TRUE COPY OF THE MAHAZAR PREPARED BY THE VILLAGE OFFICER
AMABALAVAYAL.

EXT.P21. TRUE COPY OF THE APPROVAL ISSUED BY THE DEPARTMENT OF
REVENUE TO THE DISTRICT COLLECTOR, WAYANAD DATED 14/11/2012.

EXT.P22. TRUE COPY OF THE RECEIPT OF VALUE OF THE PROPERTY
DATED 27/11/2012 ISSUED FROM THE VILLAGE OFFICER, AMBALAVAYAL.

EXT.P23. TRUE COPY OF THE APPENDIX-II FROM OF PATTI ISSUED IN FAVOUR OF
THE PETITIONER DATED 29/11/2012.

EXT.P24. TRUE COPY OF THE PLAINT SUBMITTED BY THE 4TH RESPONDENT AS OS.
NO.73/2011 BEFORE THE MUNSIF MAGISTRATE, SULTHAN BATHERY.

EXT.P25. TRUE COPY OF THE JUDGMENT DATED 11/12/2003 IN OS NO.73/2011
ON THE FILE OF THE MUNSIF MAGISTRATE, SULTHAN BATHERY.

EXT.P26. TRUE COPY OF THE APPLICATION SUBMITTED BY THE 4TH RESPONDENT.

EXT.P27. TRUE COPY OF THE JUDGMENT DATED 13/12/2011 IN WPC NO.33111/2011.

EXT.P28. TRUE COPY OF THE PLAINT IN OS NO.63/2012 ON THE FILE OF THE
MUNSIF MAGISTRATE, SULTHAN BATHERY FILED BY THE
4TH RESPONDENT DATED 3/2/2012.

EXT.P29. TRUE COPY OF THE JUDGMENT DATED 16/8/2011 IN WPC NO.13280/2011.

EXT.P30. TRUE COPY OF THE PLAINT IN OS 7/2012 FILED BY THE 4TH RESPONDENT.

EXT.P31. TRUE COPY OF THE COMPLAINT DATED 4/9/2012 SUBMITTED BY THE
4TH RESPONDENT.

EXT.P32. TRUE COPY OF THE REPORT OF VILLAGE OFFICER, TO THE TAHSILDAR,
SULTHAN BATHERY DATED 2/11/2012.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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W.P (C) No.1042 of 2014

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Dated this the 25th day of June, 2015

J U D G M E N T

Sri. K.M Sathyanatha Menon, learned counsel for the petitioner submits that the Ext. P2 quick verification report is now pending consideration before the court of Enquiry Commissioner and Special Judge, Kozhikode and now stands posted to 6.7.2015 before that court. The learned counsel for the petitioner submits that the petitioner confines his prayer for a direction from this Court to ensure that the court of Enquiry Commissioner and Special Judge, Kozhikode shall consider Ext. P2 quick verification report on the next posting date or on any other near date without much further delay and pass necessary orders thereon in accordance with law after giving an opportunity to be heard to the petitioner through his counsel. Taking into account the submission made by the petitioner that Ext.P2 quick verification is now pending consideration before the aforementioned court on 6.7.2015, it is ordered in the interest of justice that in case Ext.P2 quick verification report is pending consideration before the court of Enquiry Commissioner and Special Judge, Kozhikode, then the said court may take up the same for consideration without delay and may pass appropriate orders thereon, in accordance with law after affording reasonable opportunity to be heard to the petitioner and the State or any

other affected parties concerned.

2. The learned counsel for the petitioner further submits that contention of the petitioner regarding the lack of competence of the Investigating Officer and about the lack of jurisdiction in making the recommendation for cancellation of patta in question etc. could be agitated in appropriate proceedings, if found necessary. It is made clear that the disposal of this case will not in anyway prejudice the aforementioned contentions of the petitioner.

With these observations and direction writ petition(C) stand finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE