

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 2012 of 2015 (B)

PETITIONER(S):

1. AMBIKA,
W/O.RAMESH, ELAMTHURUTHI HOUSE,
CHITILAPPILLY P.O., THRISSUR.
2. N.C. FRANCIS,
NEELANKAVIL HOUSE, CHITILAPPILLY P.O., THRISSUR.
3. P.T. POULOSE,
PULIKOTTIL HOUSE, CHITILAPPILLY P.O., THRISSUR.
4. KUMARI
W/O.SIVASANKARAN, NEELAMPILLY HOUSE, CHITILAPPILLY P.O.,
THRISSUR.
5. JAMEELA,
THAIKKANDIPARAMBIL HOUSE, CHITILAPPILLY P.O., THRISSUR.
6. SINDHU,
W/O.FRANCIS, PORUTHOOR HOUSE, CHITILAPPILLY P.O.,
THRISSUR.
7. K.A BHASKARAN,
KODUKULAM HOUSE, CHITILAPPILLY P.O, THRISSUR.
8. MADHAVAN,
THADATHIL HOUSE, CHITILAPPILLY P.O, THRISSUR.
9. N.K SANKARAN, NAIKATH HOUSE, CHITILAPPILLY P.O., THRISSUR.
10. P.K. ANTO,
PULIKOTTIL HOUSE, CHITILAPPILLY P.O., THRISSUR.
11. DEVAKI,
W/O.DAMODARAN, THADATHIL HOUSE, CHITILAPPILLY P.O.,
THRISSUR.
12. VIJAYAN,
PAZHEDATHIL HOUSE, CHITILAPPILLY P.O., THRISSUR.

Msv/

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13. JAYAN K.A.,
KUNDUKULAM HOUSE, CHITILAPPILLY P.O., THRISSUR.
14. RAVI, KUNDUKULAM HOUSE,
CHITILAPPILLY P.O., THRISSUR.
15. PJ SEBASTIAN,
PULIKKOTIL HOUSE, CHITILAPPILLY P.O., THRISSUR.
16. P.T DAVID,
PONNAYUR HOUSE, CHITILAPPILLY P.O., THRISSUR.
17. PADMANABHAN,
ODATTIL HOUSE, CHITILAPPILLY P.O., THRISSUR.
18. RAJEEV,
S/O. LATE RAMAN, PAZHEDATH HOUSE, CHITILAPPILLY P.O.,
THRISSUR.

BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH

RESPONDENT(S):

1. STATE OF KERALA,
DEPARTMENT OF REVENUE, REP. BY ITS SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.
2. DEPARTMENT OF LOCAL SELF GOVERNMENT,
REP. BY ITS SECRETARY, SECRETARIAT,
THIRUVANANTHAPURA - 695 001.
3. THE DISTRICT COLLECTOR, COLLECTORATE,
THRISSUR - 680 003.
4. TAHSILDAR (LR),
COLELCTORATE, THRISSUR - 680 003.
5. VILLAGE OFFICER,
CHITILAPPILLY VILLAGE, CHITILAPPILLY P.O.,
THRISSUR - 680 002.
6. ADAT GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, ADAT P.O.,
THRISSUR - 680 005.

R1-R5 BY GOVERNMENT PLEADER SRI.P.P.PADMALAYAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 2012 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A STATE OF THE PROPERTIES POSSESSED BY PETITIONERS IN
CHITILAPPILLY VILLAGE.**

EXHIBIT P2: TRUE COPY OF GO(MS) NO 111/2011/REV DATED 26-02-2011.

**EXHIBIT P3: TRUE COPY OF LETTER DATED 04-01-2010 ISSUED BY THE
3RD RESPONDENT TO THE 6TH RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE
MEETING OF 6TH RESPONDENT PANCHAYATH ON 30-04-2011.**

**EXHIBIT P5: TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE
MEETING OF 6TH RESPONDENT PANCHAYATH ON 20-07-2011.**

**EXHIBIT P6: TRUE COPY OF THE REPORT OF THE 5TH RESPONDENT
DATED 13-12-2013.**

**EXHIBIT P7: TRUE COPY OF REPRESENTATION PREFERRED BY THE
1ST PETITIONER TO THE 3RD RESPONDENT ON 27-06-2014.**

**EXHIBIT P8: TRUE COPY OF THE LETTER DATED 14-08-2014 ISSUED BY THE
3RD RESPONDENT TO THE 2ND PETITIONER.**

**EXHIBIT P9: TRUE COPY OF LETTER DATED 07-07-2014 ISSUED BY THE
3RD RESPONDENT TO TAHSILDAR, THRISSUR.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ANU SIVARAMAN, J.

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W.P.(C).No.2012 of 2015

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Dated this the 23rd day of September, 2015

JUDGMENT

The prayer in this writ petition is for a direction to the 2nd respondent to issue a notification de-vesting the properties identified in Ext.P6 report and comprised in the Adat Gram Panchayat. It is submitted that the petitioners are in possession of the lands which are classified as 'Cattle Grazing Lands' in the revenue records. The Government by Ext.P2 order had taken a policy decision to assign the puramboke land described as 'Cattle Grazing Lands' in the panchayats specified therein to the holders of the land on the strength of the decision to be taken by the concerned grama panchayats to de-vest the lands. The Grama Panchayat had by Exts.P4 and P5 taken the necessary resolutions for de-vesting the said lands. Formal notification is to be issued by the Government in the Local Self Government Department in terms of Section 279(2) of the Kerala Panchayat Raj Act. It is submitted that it is only on such notification that further steps can be taken by the revenue department to the Government to assign the lands to the holders thereon. Ext.P6

report has been submitted by the Village Officer, Chitilappilly containing the details of the holders of the lands wherein the details of the petitioners are also included. With respect to petitioners 12, 17 and 18, it is submitted that there are legal representatives or assignees of persons included in Ext.P6 list. In any view of the matter, what is sought for by the petitioners is a notification by the 2nd respondent de-vesting the lands from the Panchayat to enable the assignment for which decisions have been taken at all levels.

2. Heard Sri.K.B.Gangesh, learned counsel for the petitioners as well as learned Government Pleader appearing on behalf of the respondents. The contentions raised by the petitioners in the writ petition are largely accepted by the learned Government Pleader also. The learned Government Pleader on instructions would submit that all other necessary steps for the issuance of a notification under Section 279(2) of the Panchayat Raj Act are complete and the 2nd respondent has now to issue the notification. It is only thereafter that steps for assignment of the lands can be taken by the authorities in the revenue department.

In the above view of the matter, I am of the opinion that in view of the provisions contained in Rule 279 of the Kerala Panchayat Raj Act as well as the documents produced as Exts.P4, P5 and P6 in the writ petition, the 2nd respondent is to be directed to issue a notification as provided under Section 279(2) of the Kerala Panchayat Raj Act, de-vesting the lands covered by Ext.P6 from the Panchayat to enable further steps for the assignment of the said land. This shall be done by the 2nd respondent within a period of two months from the date of receipt of a copy of the judgment. After the notification under Section 279(2) of the Panchayat Raj Act is made by the Government, further steps shall be taken for the assignment of the lands to the petitioner and the persons entitled thereto, in accordance with law, without further inordinate delay.

Anu Sivaraman, Judge