

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 9237 of 2007 (Y)

PETITIONER(S):

- 1. THE PRESIDENT, THE KAIPPAMANGALAM
SERVICE CO-OPERATIVE BANK LTD., F-899,
KAIPPAMANGALAM, KODUNGALLUR TALUK,
TRICHUR DISTRICT.**
- 2. THE SECRETARY,
KAIPPAMANGALAM SERVICE CO-OPERATIVE BANK LTD.,
F-899, KAIPPAMANGALAM, KODUNGALLUR TALUK,
TRICHUR DISTRICT.**

**BY ADVS.SRI.T.SETHUMADHAVAN,
SRI.PUSHPARAJAN KODOTH,
SRI.K.JAYESH MOHANKUMAR.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR,
TRICHUR.**
- 3. THE TAHSILDAR (R.R), KODUNGALLUR,
TRICHUR DISTRICT.**
- 4. THE VILLAGE OFFICER,
KAIPPAMANGALAM VILLAGE,
KODUNGALLUR TALUK.**
- 5. THE STATE OF KERALA,
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM.**

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**6. THE STATE OF KERALA,
REPRESENTED BY THE REVENUE PRINCIPAL SECRETARY,
THIRUVANANTHAPURAM.**

**7. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
CO-OPERATIVE DEPARTMENT,
THIRUVANANTHAPURAM.**

**8. THE MANAGER,
THRISSUR DISTRICT CO-OPERATIVE BANK,
PERINJANAM BRANCH, THRISSUR DISTRICT.**

**R1 TO R7 BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.
R8 BY ADV. SRI.V.G.ARUN, SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SANCTIO ORDER NO.G.O.(MS) 990 DATED 01/12/1962.
- EXT.P2 COPY OF THE STATEMENT DATED 16/02/1983 OF THE DESPATCH REGISTER OF THE KAIPPAMANGALAM VILLAGE OFFICE.
- EXT.P3 COPY OF THE LETTER DATED 18/09/1998 SENT BY THE 3RD RESPONDENT TO R2.
- EXT.P4 COPY OF THE RESOLUTIO OF THE SOCIETY DATED 25/07/1998 PROPOSING TO APPLY FOR FRESH RENEWAL.
- EXT.P5 COPY OF THE REPRESENTATION SUBMITTED BY THE SOCIETY BEFORE THE CHIEF MINISTER WITH COPIES OF THE REVENUE MINISTER, AGRL. MINISTER ETC.
- EXT.P6 COPY OF THE COMMUNICATION DATED 21/12/1998 BY THE GENERAL MANAGER, I.C.D.P.
- EXT.P7 COPY OF THE COMMUNICATION DATED 30/11/1998 PASSED BY THE 2ND RESPONDENT.
- EXT.P8 COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT ON 24/05/1999.
- EXT.P9 COPY OF THE COMMUNICATION DATED 02/06/1999 ISSUED BY 3RD RESPONDENT.
- EXT.P10 COPY OF THE NOTICE DATED 18/01/2002 ISSUED BY THE 3RD RESPONDENT.
- EXT.P11 COPY OF THE ORDER DATED 07/12/2001 ISSUED BY THE GOVERNMENT TO THE PETITIONERS.
- EXT.P12 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT ON 01/08/1997.
- EXT.P13 COPY OF THE JUDGMENT IN O.P.NO.4331/2002 DATED 08/12/2005.
- EXT.P14 COPY OF THE JUDGMENT IN O.P.NO.16601 OF 1999 DATED 08/12/2005.

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- EXT.P15 COPY OF THE ORDER DATED 19/06/2006 PASSED BY THE
2ND RESPONDENT.
- EXT.P16 COPY OF THE REPRESENTATION DATED 17/08/2006 SUBMITTED BY
PETITIONERS BEFORE THE RESPONDENTS 5 TO 7.
- EXT.P17 COPY OF THE COMMUNICATION RECEIVED FROM THE OFFICE OF
THE REVENUE DEPARTMENT, THIRUVANANTHAPURAM
DATED 17/09/2006.
- EXT.P18 COPY OF THE COMMUNICATION RECEIVED FROM THE OFFICE OF
THE REVENUE DEPARTMENT, THIRUVANANTHAPURAM
DATED 20/09/2006.
- EXT.P19 COPY OF THE COMMUNICATION RECEIVED FROM THE OFFICE OF
THE REVENUE DEPARTMENT, THIRUVANANTHAPURAM
DATED 06/03/2007.
- EXT.P20 COPY OF THE DEMAND NOTICE DATED 17/02/2007 ISSUED TO THE
PETITIONERS BY THE 3RD RESPONDENT.
- EXT.P21 COPY OF THE ORDER DATED 09/03/2007 OF THE 3RD RESPONDENT.
- EXT.P22 COPY OF THE ORDER DATED 15/03/2007 OF THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.9237 of 2007

Dated this the 12th day of October, 2015

JUDGMENT

The controversy in this writ petition is in respect of six cents of land comprised in Survey No.290/5 of Kaippamangalam Village, Kodungallur Taluk.

2. The above land was leased to petitioners' Bank in the year, 1962. This was renewed time to time.

3. There are certain issues regarding payment of lease rent. Therefore, the Tahsildar issued certain prohibitory orders to the District Co-operative Bank not to release the amount due to the petitioners' Bank. That order is still in force.

4. The petitioners now submit before this Court that they are prepared to obtain assignment of the land in their favour. The application is pending.

This Court is of the view that the petitioners assignment of the land shall be considered by the District Collector on condition that the petitioners clear the entire arrears of rent. Therefore, this

writ petition is disposed of with the following directions:

- i. If the petitioners deposit the entire arrears of rent within two months, their application for assignment shall be considered by the District Collector in accordance with law.
- ii. The decision shall be taken within a further period of four months.
- iii. In view of the above, prohibitory order shall be revoked as and when the petitioners remit the entire arrears of rent.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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