

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 2187 of 2015 (W)

PETITIONERS:

1. KILIVALLOOR PADASEKHARA NELLULPATHAKA SAMITHI
REG. NO. P104/09, THONNALLOOR PANDALAM
REP. BY ITS SECRETARY K. RAJAN, ASWATHI NILAYAM
KADAKKAD NORTH, PANDALAM P.O., PATHANAMTHITTA.
2. MADHU R.
PRESIDENT, KILIVALLOOR PADASEKHARA NELLULPATHAKA SAMITHI
REG. NO. P 104/09, THONNANALLOOR PANDALAM
RESIDING AT KARINJODATH, THONNALLOR, PANDALAM.

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS:

1. DISTRICT COLLECTOR, PATHANAMTHITTA DISTRICT
COLLECTORATE, PATHANAMTHITTA- 689 645.
2. REVENUE DIVISIONAL OFFICER,
ADOOR, PATHANAMTHITTA - 691 523.
3. ADDITIONAL TAHSILDAR.
TALUK OFFICE, ADOOR, PATHANAMTHITTA - 691 523.
4. THE VILLAGE OFFICER, KURAMPALA VILLAGE
KURAMPALA, ADOOR TALUK - 691 526.
5. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM- 695 001.
6. SADIK RAWTHER,
S/O SHAIK MEERAN RAWTHER, SHA MANZIL, KADAKKADU
PANDALAM P.O., PATHANAMTHITTA - 691 524.

**R6 BY ADVS. SRI.JACOB P.ALEX
SRI.JOSEPH P.ALEX
R1 TO R5 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE RELEVANT EXTRACT OF BASIC TAX REGISTER OF PROPERTY HAVING AN EXTENT OF 19/2 ARES SITUATED IN SY. NO. 270/12 (OLD SY. NO. 634/3B, 3C AND 2D) 8 OF KURAMPALA VILLAGE.
- EXHIBIT-P2- TRUE COPY OF THE NEWS ITEM WITH PHOTOGRAPH PUBLISHED IN DESHABHIMANI DAILY DATED 24/03/2013.
- EXHIBIT-P3- TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAM DATED 24/03/2013.
- EXHIBIT-P4- TRUE COPY OF THE B FORM NOTICE DATED 25/06/2013 ISSUED BY THE 3RD RESPONDENT TO THE 6TH RESPONDENT.
- EXHIBIT-P5- TRUE COPY OF THE ORDER NO. R2-4317/2013 (LC 13/2013) DATED 07/10/2013 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT-P6- TRUE COPY OF THE FORM C NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 6TH RESPONDENT.
- EXHIBIT-P7- TRUE COPY OF THE REQUEST SUBMITTED BY THE 3RD RESPONDENT BEFORE THE STATION HOUSE OFFICER, PANDALAM POLICE STATION DATED 26/10/2013.
- EXHIBIT-P8- TRUE COPY OF THE JUDGMENT DATED 20/03/2014 IN W.P(C) 23684/2013
- EXHIBIT-P9- TRUE COPY OF THE JUDGMENT DATED 20/03/2013 IN W.P(C) 29103/2013.
- EXHIBIT-P10- TRUE COPY OF THE ORDER NO. 7036/2013/B5 DATED 03/06/2014 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT-P11- TRUE COPY OF THE NOTICE NO. C10-21110/2014 DATED 21/07/2014 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

P.R.RAMACHANDRA MENON, J.

W.P.(C) No. 2187 of 2015

Dated this the 10th day of March, 2015

J U D G M E N T

The petitioner approached this Court with the following prayers:

- "a) To declare that the 1st respondent has no authority to entertain a revision petition as per the first proviso to Sec.16[2] of the Land Conservancy Act and challenge made by the 6th respondent against Ext.P5 and P10 before the 1st respondent resulted in Ext.P11 notice is not maintainable.
- b) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents no.1 to 5 to implement Ext.P5 and P10 order in letter and spirit by demolishing the compound wall and also taking possession of the purampoke land in the property having an extent of 19.2 ares situated in Sy.No.270/2012 [Old Sy. No.634/3B, 3C & 3D] of Kurampala Village and report compliance before this Hon'ble Court.

- c) Issue such other appropriate writ, order or direction as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. The learned counsel for the petitioners submits that according to the petitioners the 1st respondent does not have any power or jurisdiction or competence to deal with the revision petition under section 16[2] of the Kerala Land Conservancy Act, which is sought to be rebutted by the learned counsel appearing for the 4th respondent stating that the 1st respondent is the competent authority to deal with the issue and further that a positive direction has already been obtained by the 4th respondent from this Court, as per judgment in W.P.(C) No.14720/2014, to have the matter considered and finalised by the District Collector.

3. The learned Government Pleader points out that the proceedings, forming the subject matter of Ext.P11, will be caused to be considered and finalised within the shortest possible time.

4. After hearing both the sides, this Court finds that the matter pending consideration before the 1st respondent and forming the subject matter of Ext.P11 shall be considered and finalised, after hearing both the sides at the earliest, at any rate within six weeks from the date of receipt of the copy of this judgment.

Writ Petition is disposed of. The petitioners shall produce a copy of the judgment along with a copy of the Writ Petition before the concerned respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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