

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 4186 of 2015 (W)

PETITIONER :

**HUSSAINAR
S/O.LATE MAYIN, AGED 68 YEARS
KAPPOOR HOUSE, ANGADIPPURAM
MANGADA P.O., PERINTHALMANNA,
MALAPPURAM DISTRICT
PIN CODE-676 308.**

**BY ADVS.SRI.E.G.GORDEN
SRI.S.K.KRISHNAKUMAR
SRI.T.N.SIVADASAN**

RESPONDENT(S) :

- 1. THE LAND REVENUE COMMISSIONER
PUBLIC OFFICE BUILDING, MUSEUM JUNCTION
THIRUVANANTHAPURAM, PIN CODE-695 033.**
- 2. THE TAHSILDAR
THALUK OFFICE, PERUNTHALMANNA
MALAPPURAM DISTRICT, PINCODE-676 301.**
- 3. THE VILLAGE OFFICER
MANGADA VILLAGE, PERUNTHALMANNA
MALAPPURAM DISTRICT, PIN CODE-676 301.**
- 4. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO LAND REVENUE
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN CODE-695 001.**
- 5. KUNNATH MAMMAD HAJI
S/O.MOOSA HAJI, KUNNATH MANZIL, THIRUKKAD
MALAPPURAM DISTRICT, PIN CODE-679 351.**

6. ASSAINAR @ HASSAINAR
S/O.LATE MAYIN, AGED 73 YEARS,
KAPPOOR HOUSE, ANGADIPPURAM
MANGADA P.O., PERINTHALMANNA
MALAPPURAM DISTRICT, PIN CODE - 676 308.

R1 TO R4 BY GOVT. PLEADER SRI. SUDHEESH KUMAR
R5 BY ADVS. SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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...3/-

WP(C).No. 4186 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1. TRUE COPY OF KRAYA CERTIFICATE NO.1746 DATED 28/4/1997 ISSUED BY THE LAND TRIBUNAL, ANGADIPPURAM.
- EXT.P2. TRUE COPY OF THE RELEASE DEED NO.4686/1992 DATED 3-12-1993 OF SRO, PERUNTHALMANNA.
- EXT.P3. TRUE COPY OF RELEASE DEED NO.3674/1997 DATED 18-11-1997 OF OF SRO, PERUNTHALMANNA.
- EXT.P4. TRUE COPY OF THE RELEASE DEED NO.3979/1997 DATED 17-12-1997 OF SRO, PERINTHALMANNA
- EXT.P5. TRUE COPY OF THE JUDGMENT DATED 21/11/2013 IN WPC NO.28624/2013.
- EXT.P6. TRUE COPY OF THE ORDER DATED 4/3/2014 ISSUED BY THE 1ST RESPONDENT.
- EXT.P7. TRUE COPY OF THE NOTICE DATED 21/4/2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P8. TRUE COPY OF THE OBJECTION FILED BY PETITIONER AND 6TH RESPONDENT BEFORE THE 2ND RESPONDENT.
- EXT.P9. TRUE COPY OF THE ORDER DATED 10/7/2014 OF THE 2ND RESPONDENT.
- EXT.P10. TRUE COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY ISSUED BY 2ND RESPONDENT TO THE 6TH RESPONDENT.
- EXT.P11. TRUE COPY OF CLAIM PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P12. TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD EVIDENCING DELIVERY OF EXT.P11 TO THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.4186 OF 2015 (W)

Dated this the 2nd day of March, 2015

J U D G M E N T

The limited prayer of the petitioner, who is faced with revenue recovery proceedings, is for a direction to the 2nd respondent to consider and pass orders on Ext.P11 claim petition that has been filed by him in terms of Section 46 of the Kerala Revenue Recovery Act.

2. I have heard Sri.E.G.Gorden, the learned counsel appearing for the petitioner as also Sri.Sudheesh Kumar.S., the learned Government Pleader appearing on behalf of the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P11 claim petition filed by the petitioner, within a period of one month from the date of receipt of copy of this judgment, after hearing the petitioner. I make it clear that revenue recovery proceedings initiated against the petitioner shall be kept in abeyance till such time

as orders are passed by the 2nd respondent, as directed in this judgment, and communicated to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp