

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 11710 of 2007 (R)

PETITIONER(S):

1. K. SUBBARAYA, ARIKKADYVASAMAN,
KOYIPADY, KUMBALA P.O., KASARAGOD.
2. NARAYANA GATTY, KOTTOKKAR HOUSE,
KOYIPADY, KUMBALA P.O., KASARAGOD.
3. ASKAR, KANCHIKETTA, ASKAR MANZIL,
KOYIPADY, KUMBALA P.O., KASARAGOD.

BY ADV. SMT.I.SHEELA DEVI.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. TAHSILDAR, KASARAGOD.
3. VILLAGE OFFICER,
KOYIPADY VILLAGE OFFICE, KUMBALA.
- *4. SRI.ABDULLA, PRESIDENT KUMBALA PANCHAYATH,
KUMBALA P.O., KASARAGOD. (CORRECTED)

* THE NAME OF THE FOURTH RESPONDENT IS CORRECTED AS
'SRI.ABBAS' INSTEAD OF 'SRI.ABDULLA' AS PER ORDER
DATED 29/06/2007 IN I.A. NO.8665/2007.

5. SRI.MOHAMMED, MEEPRI HOUSE,
HAROOR. P.O., BANDYOD, KASARAGOD.

R1 TO R3 BY SR. GOVT. PLEADER SRI.GIKKU JACOB.
R4 BY ADV. SRI.BECHU KURIAN THOMAS.
R5 BY ADVS. SRI.D.KRISHNA PRASAD,
SRI.D.NARENDRANATH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 COPY OF THE NOTICE DATED 23/02/2000 ISSUED BY THE
2ND RESPONDENT TO THE 1ST PETITIONER.

EXT.P2, P2(A), P2(B): COPY OF THE REMITTANCE RECEIPTS OF THE
PETITIONERS.

EXT.P3, P3(A), P3(B), (C), (D): COPY OF THE RECEIPTS OF THE LINCENSE
DEPOSITED DURING THE PERIODS 2000-01,
2001-02, 2002-03, 2003-04, 2004-05, 2005-06,
2006-07.

EXT.P4 COPY OF THE MAHAZAR DATED 05/03/2005.

EXT.P5, P5(A): COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT
ISSUED TO THE PETITIONERS.

EXT.P6, P6(A): COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT
ISSUED TO THE PETITIONERS.

EXT.P7, P7(A): COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT
ISSUED TO THE PETITIONERS.

EXT.P8 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.

RESPONDENT'S EXHIBITS:-

EXT.R1A COPY OF THE RESOLUTION OF THE GRAMA PANCHAYATH.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.Muhamed Mustaque, J.

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W.P.(C)No.11710 of 2007

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Dated this the 15th day of December, 2015.

JUDGMENT

1. Petitioners are the licensees of petty shops in puramboke land in R.S.No.119/1A1C at Koyippady village. It appears that the petitioners are in possession ever since 1995 onwards. The occupation is based on lease granted by the Revenue Authority. The lease expired on 31.3.2007.
2. It appears that Kumbala Grama Panchayat has raised objection against renewal of lease, on account of which, the 3rd respondent refused to collect the licence fee from the petitioners.
3. This court is of the view that the District Collector, Kasargode shall take a decision in the matter, after hearing the petitioners and the

President of the Kumbala Grama Panchayat, within a period of three months. Till a decision is taken, status quo, as on today, shall be maintained and the petitioners' possession or occupation shall not be disturbed.

Writ petition is disposed of as above.

Muhamed Mustaque, Judge.

sl.