

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 5466 of 2015 (G)

PETITIONER :

**JOSE POTTACKAL
S/O. KOCHUVAREED, AGED 72 YEARS
POTTAKKAL HOUSE, MURIYAD P.O.,
THRISSUR DISTRICT.**

**BY SENIOR ADVOCATE SRI.RENJITH THAMPAN
BY ADV. SMT.P.RREENA**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECTRETARY, DEPARTMENT OF REVENUE
SECRETARIAT, THIRUVANATHAPURAM, PIN – 695 001.**
- 2. DISTRICT COLLECTOR,
CIVIL STATION, AYYANTHOLE, THRISSUR
PIN – 680 003.**
- 3. DEPUTY COLLECTOR
LAND ASSIGNMENT, COLLECTORATE,
THRISSUR, PIN 680 003.**
- 4. TAHSILDAR,
TALUK OFFICE, IRINJALAKUDA,
THRISSUR, PIN – 680 121.**
- 5. VILLAGE OFFICER
VILLAGE OFFICE MURIYAD,
THRISSUR, PIN - 680 683.**

R1 TO R5 BY GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: TRUE COPY OF THE DOCUMENT NO.1852/1950 ISSUED BY TRAVANCORE COCHIN GOVERNMENT.
- EXT. P2: TRUE COPY OF THE TAX RECEIPT DATED 22.02.1991 ISSUED BY THE MURIYAD VILLAGE OFFICER.
- EXT. P2(a): TRUE COPY OF THE TAX RECEIPT DATED 10.01.2008 ISSUED BY THE MURIYAD VILLAGE OFFICER.
- EXT. P3: TRUE COPY OF SKETCH SHOWING PRESENT LYE OF PETITIONER'S RESIDENTIAL HOUSE WAY AND MOTOR PUMP SET.
- EXT. P4: TRUE COPY OF THE RESOLUTION OF THE MURIYAD PANCHAYATH DATED 04.03.1994.
- EXT. P5: TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR DATED 07.06.2008.
- EXT. P6: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 24.10.2014.
- EXT. P7: TRUE COPY OF THE JUDGMENT IN WPC.NO.28743/2014 DATED 31.10.2014.
- EXT. P8: TRUE COPY OF THE RESOLUTION DATED 15.11.2014 OF THE MURIYAD GRAMA PANACHAYATH.
- EXT. P9: TRUE COPY OF RESOLUTION DATED 07.01.2005 OF THE MURIYAD GRAMA PANCHAYATH.
- EXT. P10: TRUE COPY OF THE PROCEEDINGS DATED 31.01.2015 OF THE TAHSILDAR.
- EXT. P11: TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE PETITIONER.
- EXT. P12: TRUE COPY OF THE GOVERNMENT ORDER G.O.(MS)280/11/RD DATED 27.07.2011

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C)No. 5466 OF 2015
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Dated this the 20th February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) call for the records leading to Ext.P10 and issue a writ in the nature of certiorari quashing Ext.P10.

ii) issue a writ in the nature of mandamus commanding the 1st respondent to consider and pass orders on Ext.P11 appeal within such time as may be fixed by this Hon'ble Court and until then stay the eviction of the petitioner from the property covered by Ext.P6 application.

iii) Declare that Ext.P12 Government order is ultra virus and against the provisions of Rule 6 & 7 of the Kerala Land Assignment Rules

iv) issue such other orders, writs or directions as are deemed fit by this Hon'ble Court

v) award cost of this proceedings to the petitioners:

2. Being aggrieved of Ext.P10 order of the 4th respondent/Tahsildar limiting assignment of land to 15 cents,

the petitioner has filed Ext.P11 appeal before the first respondent/State., which is still pending. In the meanwhile, the 4th respondent/Tahsildar and 5th respondent/Village officer are attempting to take possession of balance 22 cents from the petitioner. The learned Counsel for the petitioner submits that the petitioner will be satisfied if a direction is given to the first respondent to consider and finalise Ext.P11 appeal within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief pressed before this Court, it is not necessary to adjudicate the issue on merits. The writ petition is disposed of directing the first respondent/STate to consider and pass appropriate orders on Ext.P11 appeal at the earliest, at any rate within three months from the date of receipt of a copy of this judgment, after affording an opportunity of hearing to the petitioner and other interested parties if any. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for further steps.

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Status quo shall be maintained till such time.

The writ petition is disposed of.

**P.R.RAMACHANDRA MENON
JUDGE**

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