

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 5701 of 2015 (K)

PETITIONER(S):

- 1. RADHAKRISHNA PILLAI,
S/O.SANKARA PILLAI, RESHMA BHAVAN,
ANAPUZHAKKAL, ANCHAL P.O.,
KOLLAM DISTRICT.**
- 2. MINIMOL, W/O.RADHAKRISHNA PILLAI,
RESHMA BHAVAN, ANAPUZHAKKAL,
ANCHAL P.O., KOLLAM DISTRICT.**

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001.**
- 2. THE DISTRICT COLLECTOR,
KOLLAM, PIN-691013.**
- 3. THE TAHASILDAR, KOTTARAKKARA,
KOLLAM DISTRICT, PIN-691506.**
- 4. THE VILLAGE OFFICER,
KOTTUKKAL, KOLLAM DISTRICT, PIN-691519.**

BY GOVERNMENT PLEADER MR.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 5701 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 :** TRUE COPY OF THE PATTA VIDE NO.LA-01/14/C1 DATED 14-10-2014
ISSUED BY 3RD RESPONDENT TO THE PETITIONERS.
- EXT.P2 :** TRUE COPY OF THE RELEVANT PAGE OF AMENDMENT OF THE
KERALA LAND ASSIGNMENT RULES PUBLISHED IN KERALA GAZETTE
EXTRA NO.191 DATED 24-1-2009.
- EXT.P3 :** TRUE COPY OF THE KERALA GAZETTE EXTRA NO.2425
DATED 7-10-14.
- EXT.P4 :** TRUE COPY OF THE CERTIFICATE ISSUED FROM THE EDAMULAKKAL
SERVICE CO-OPERATIVE BANK LIMITED NO.2047 DATED 7-2-2015.
- EXT.P5 :** TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONERS TO
DELETE THE ENDORSEMENT OF RESTRICTION ON ALIENABILITY AND
THE CONDITION FOR THE SAME.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 5701 of 2015

Dated this the 24th day of February, 2015

JUDGMENT

The grievance of the petitioners is mainly with regard to the condition incorporated in Ext.P1 'Patta' restricting alienation. The 'Patta' was in fact issued in respect of the ancestral property covered by Ext.P1 which came to the hands of the petitioners and being enjoyed by them with exclusive possession and such other rights. It is stated that the restriction is deleted as per Ext.P3 G.O. Dated 30.09.2014, substituting some words in sub-rule (1) of Rule 8 in the following terms:

(2) in rule 8-

(a) In sub-rule (1), for the words "but not alienable for a period of twenty five years from the date of registry", the words "and alienable" shall be substituted."

2. The learned counsel for the petitioner points out that the said clause will be applicable only in the case of occupied land and that the same is not applicable to the land in question. It is in the said circumstance that the petitioner has moved the 3rd respondent by filing Ext.P5 and the prayer is only to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext.P5 in accordance with law after giving an opportunity of hearing to the petitioner at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

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.

kp/-