

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

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

WP(C).No. 6527 of 2015 (M)

PETITIONER(S):

**SHAJU, AGED 43 YEARS,
S/O. ANTHONY, MAMPARAMBAN HOUSE, BHARATHA DESOM,
KALLUR VILLAGE, MUKUNDAPURAM TALUK.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-1.**
- 2. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT, AYYANTHOLE, THRISSUR-3.**
- 3. THE ADDITIONAL TAHSILDAR,
MUKUNDAPURAM TALUK OFFICE, IRINJALAKKUDA - 680 125.**
- 4. THE VILLAGE OFFICER,
VILLAGE OFFICE, KALLUR, THRISSUR - 680 317.**
- * ADDITIONAL R5 SUO MOTU IMPLEADED**
- 5. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.**
- * IS SUO MOTU IMPLEADED AS ADDITIONAL R5
AS PER JUDGMENT DTD.2.3.2015.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-03-2015 ALONG WITH WP(C) NO. 6528/2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 6527 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1 : TRUE COPY OF THE ORDER NO.B2-14278/2014/ZLK/KLR(1) DTD.5.1.2015
PASSED BY THE 3RD RESPONDENT.**

**EXT. P2 : TRUE COPY OF THE NOTICE IN FORM C WITH NO.B2-14278/2014/ZLK/KLR(2)
DTD.5.1.2015 ISSUED BY THE 3RD RESPONDENT.**

**EXT. P3 : TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.**

**EXT. P4 : TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT.**

**EXT. P5 : TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT NO.10935/15
DTD.18.2.2015 RECEIVED FROM THE OFFICE OF THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P.(C) Nos.6527 & 6528 of 2015

Dated this the 2nd day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

" (i) issue a writ, order or direction in the nature of a writ of mandamus commanding the 2nd respondent to consider and dispose of Ext.P4 stay petition within a time frame fixed by this Honourable Court.

(ii) issue a writ, order or direction in the nature of a writ of mandamus commanding the respondents 3 and 4 to keep all further proceedings in abeyance pursuant to Exhibits P1 and P2 during the pendency of Exhibit P3 appeal filed by the petitioner and pending before the 2nd respondent.

and

(iii) issue such other writ, order or direction which this Honourable Court deems fit to grant to the facts and circumstances of the case."

2. Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

3. The learned counsel for the petitioners submits that, being aggrieved of Ext.P1 order passed by the 3rd respondent, the petitioners have already moved the 2nd respondent by way of

Ext.P3 appeal along with Ext.P4 petition for stay. The proceedings have already been served to the 2nd respondent as borne by Ext.P5 postal receipts. The prayer is to cause the same to be considered and disposed of within a reasonable time.

4. The learned Government Pleader points out that, the impugned order herein has been passed by the Tahsildar and as such, the Appellate Authority is none other than the R.D.O, Thrissur. As it stands so, the R.D.O., Thrissur is 'suo motu' impleaded as the addl. 5th respondent in the party array and the learned Government Pleader has entered appearance for the said respondent as well.

5. In the said circumstances, there will be a direction to the 2nd respondent to forward the proceedings by way of Ets.P3 and P4 along with other materials, if any, to the addl. 5th respondent within 'two weeks' from the date of receipt of a copy of this judgment, upon which, the same shall be considered and appropriate orders shall be passed by the addl. 5th respondent, in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'six weeks' thereafter.

6. 'Status quo' shall be maintained till such time.

Petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the second and addl. 5th respondents for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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