

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 6724 of 2015 (M)

PETITIONER(S):

**KERALA GOOSEBERRY AYURVEDA HEALTH
RESORT PRIVATE LIMITED, NO.C2,
HILL VIEW APARTMENTS, DIAMOND HILL,
VELLAYAMBALAM, THIRUVANANTHAPURAM-10,
REPRESENTED BY ITS MANAGING DIRECTOR OLGA RICHARD.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENT(S):

- 1. THE CHAIRMAN, TALUK LAND BOARD,
KATTAKKADA - 695 572.**
- 2. THE CHAIRMAN, TALUK LAND BOARD,
NEYYATTINKARA - 695 121.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 6724 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : TRUE COPY OF THE PROCEEDINGS NO.B5-62455/12/TLB/NTA
DATED 06-04-2013 OF THE 2ND RESPONDENT.**

**EXT P2 : TRUE COPY OF THE PETITION DATED 25-08-2014 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT UNDER SECTION 85(8) AND
(9) OF THE KERALA LAND REFORMS ACT TO SET ASIDE EXT P1 ORDER.**

**EXT P2(a) : TRUE COPY OF THE PETITIONER DATED 25-08-2014 TO CONDONE THE
DELAY IN FILING EXT P2.**

**EXT P3 : TRUE COPY OF THE PETITION DATED 22-12-2014 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 6724 of 2015

~~~~~

Dated, this the 5th day of March, 2015

JUDGMENT

The petitioner is aggrieved of Ext. P1 proceedings initiated and finalized by the second respondent under Section 85 (7) of the Kerala Land Reforms Act, alleging that the petitioner is in possession of land exceeding the ceiling area. The learned counsel for the petitioner submits that the proceedings are finalized without giving an opportunity of hearing to the petitioner, which is contrary to the proviso to Section 85 (7) of the Act. It is pointed out that being aggrieved of the said proceedings, the petitioner has already preferred Ext. P2 petition along with Ext. P2(a) petition to condone the delay before the second respondent, which now stands forwarded to the first respondent. The learned counsel for the petitioner submits that the petitioner will be satisfied, if a direction is given to the first respondent to have it considered within a reasonable time.

2. Heard the learned Government Pleader as well.

3. Considering the limited nature of relief sought for, this Court does not find it necessary to deal with the merits of the case. The writ petition is disposed of, directing the first respondent to consider

W.P.(C) No. 6724 of 2015

: 2 :

and pass appropriate orders on Ext. P2 in accordance with law, as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment. Status quo shall be maintained till such time.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

Sd/-

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

kmd