

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937**

**WP(C).No. 12175 of 2009 (N)**  
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**PETITIONER(S):**  
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**THENGANAKUDIYIL JOSE,  
AGED 52 YEARS, S/O.VARKEY ISAK,  
RESIDING AT PERINTHATTA AMSOM, THAVIDISSERY DESOM,  
P.O.ARAVANCHAL, (VIA) PAYYANNUR.**

**BY ADV. SRI.M.V.AMARESAN**

**RESPONDENT(S):**  
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**TALUK LAND BOARD,TALIPARAMBA,  
TALIPARAMBA, REPRESENTED BY ITS CHAIRMAN.**

**BY SPECIAL GOVERNMENT PLEADER SMT.SUSHEELA R. BHAT**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**WP(C).No. 12175 of 2009 (N)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**EXT.P1: TRUE COPY OF ORDER DTD.4.1.1990 OF THE TALUK LAND BOARD,  
TALIPARAMBA.**

**EXT.P2: TRUE COPY OF ORDER IN CRP DISPOSED ON 14..1997 BY THIS HON'BLE  
COURT.**

**EXT.P3: TRUE COPY OF NOTICE DTD.29.1.2003 ISSUED BY THE LAND BOARD TO THE  
PETITIONER.**

**EXT.P4: TRUE COPY OF COPY APPLICATION FILED BY PETITIONER THROUGH HIS  
COUNSEL DTD.9.7.2007.**

**EXT.P4(a): TRUE COPY OF A/D DTD.13.7.2007.**

**EXT.P5: TRUE COPY OF COMMUNICATION ISSUED BY THE DEPUTY COLLECTOR,  
KANNUR L.R. TO THE PETITIONER DTD.19.11.2008.**

**EXT.P6: TRUE COPY OF ORDER SHEET ISSUED BY THE PETITIONER.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Msv/**

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.12175 of 2009**

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Dated this the 10<sup>th</sup> day of December, 2015

**JUDGMENT**

The petitioner is the son of Isak. Isak is no more. Isak was a declarant before the Taluk Land Board in a ceiling proceedings. In the ceiling proceedings, it was ordered that 3.51 acres of land have to be surrendered by Isak and Mariyama. The revisional order of this Court in C.R.P.No.974/1990, which is produced as Ext.P2, it is ordered as follows:

“For removal of doubts, it is made clear that he entire 3.51 acres which is liable to be surrendered by the petitioner and the fourth respondent should not be taken from the property of the petitioner alone if property is available with the fourth respondent in Sy.No.1/4A1 of Peringome amsom, Kavidissery desom for surrender.”

2. The petitioner submits that pursuant to the revisional order, a notice has been issued by the Chairman of the Taluk Land Board, whereby it is mentioned that 1.75 acres of land

have been surrendered by Mariyama Varghese and 1.76 acres have been surrendered from Isak totalling 3.51 acres. Ext.P3 is the notice. The petitioner submits that nothing has been concluded thereafter and there is no actual surrender. The petitioner wants to a finality of the proceedings showing the surrender of the lands referred therein.

3. In this matter, a counter affidavit has been filed on behalf of the respondent. In paragraph 24 of the counter affidavit, it is stated as follows:

“The Hon'ble High Court has directed that the entire 3.51 Acres of land liable to be surrendered by Isak and Mariyamma Varghese should not be taken from the property of Isak alone. There was no land under the direct possession of Smt. Mariyamma Varghese. So 1.75 acres of land were taken possession. The order was passed on the basis of the Hon'ble High Court judgment dated 14.3.1997. In the judgment dated 14.03.1997, the

Hon'ble High Court has directed that the entire 3.51 acres of land which are liable to be surrendered by both Isak and Mariyamma Varghese not to be taken as whole on the part of Isak alone. All contentions raised by the petitioner are to defeat the provisions of KLR Act. The Writ Petition may be dismissed, so that the land can be distributed among landless agricultural labourers as specified in the Act.”

It appears that no land has been taken from Mariyamma Varghese. This Court is of the view that the proceedings based on Ext.P3 shall be concluded after hearing the petitioner and Mariyamma within a period of four months to put a quietus to the issue relating to the Taluk Land Board Proceedings.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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