

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 21097 of 2004 (J)

PETITIONER(S):

**SUSEELA MANOHARAN, W/O.MANOHRAN,
AGED 39 YEARS, PULLACHI HOUSE, MARAYOOR P.O.
IDUKKI DISTRICT.**

**BY ADVS.SRI.N.M.VARGHESE
SRI.MATHEW SEBASTIAN MARAYOOR
SRI.DENIZEN KOMATH**

RESPONDENT(S):

- 1. STATE OF KERALA, TO BE REPRESENTED BY
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR, IDUKKI DISTRICT,
COLLECTORATE, KUYILIMALA, IDUKKI.**
- 3. THE REVENUE DIVISIONAL OFFICER-
DEVIKULAM, OFFICE OF THE R.D.O., DEVIKULAM
IDUKKI DISTRICT.**
- 4. THE VILLAGE OFFICER, MARAYOOR VILLAGE,
MARAYOOR, IDUKKI DISTRICT.**
- 5. THE CIRCLE INSPECTOR OF POLICE, MUNNAR,
P.O.MUNNAR.**
- 6. MARIMUTHU, S/O. SUBBIAH, MARAYOOR KARA,
MARAYOOR, IDUKKI DISTRICT.**

R1 TO R5 BY GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS:

- EXT.P1: COPY OF THE ORDER OF THE 3RD RESPONDENT REVENUE
DIVISIONAL OFFICER DATED 22.07.2002 IN B1-2259/2001.
- EXT.P2: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN
O.P.NO.21432/2002 DATED 30.07.2002.
- EXT.P3: COPY OF THE APPEAL PREFERRED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 13.08.2002.
- EXT.P4: COPY OF ORDER NO.B1-2259/2001 DATED 07.07.2004 PASSED BY THE
REVENUE DIVISIONAL OFFICER.
- EXT.P5: COPY OF THE AFFIDAVIT AND PETITION DATED 13.07.2004 SUBMITTED
BY THE PETITIONER BEFORE THE 3RD RESPONDENT - REVENUE
DIVISIONAL OFFICER.

RESPONDENT(S) EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

ds

K. VINOD CHANDRAN, J.

W.P.(C) No.21097 of 2004-J

Dated this the 15th day of July, 2015.

JUDGMENT

The petitioner was before this Court challenging eviction proceedings during the pendency of an appeal filed by her. The petitioner was sought to be evicted from the property as per Ext.P1 order of the Revenue Divisional Officer dated 22.07.2002. The petitioner was before this Court, challenging the said order with O.P. No.21432 of 2002. The said O.P. Was disposed of by Ext.P2, wherein the petitioner was granted the liberty to file an appeal, which was directed to be disposed of within two months, after hearing the parties concerned.

2. The petitioner is said to have filed an appeal from the order of the RDO to the 2nd respondent District Collector on 14.08.2002. Though a stay petition was also enclosed along with the appeal, no orders were passed. While the appeal Ext.P3 along with Interlocutory Application was pending before the District Collector, again efforts were made to evict the

petitioner vide Ext.P4 order of the RDO. The petitioner moved the RDO to keep the same in abeyance till the appeal is disposed of. The RDO had failed to consider the same, and hence the petitioner is before this Court with the above writ petition. In the writ petition there was a stay granted and it was continued all along. It is not clear as to whether the appeal filed before the District Collector was finalised or not. In any event, the petitioner shall not be dispossessed of till the appeal filed by the District Collector is disposed of. If the appeal is disposed of and it has gone in favour of the petitioner, then necessarily no dispossession could be made. However, if the appeal stands rejected, the petitioner would have to be evicted.

The writ petition would stand dismissed with the above observations.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

sp