

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).NO. 9167 OF 2015 (U)

PETITIONER(S):

- 1. P.K.KRISHNAN, S/O.KRISHNAN,
AGED 65 YEARS, PLAKUDIL VEEDU,
EDAYOORKUNNU, KATTIKULAM P.O.,
MANANTHAVADY, WAYANAD DISTRICT.**
- 2. AMMINI, W/O.KRISHNAN, AGED 62 YEARS,
PLAKUNDIL VEEDU, EDAYOORKUNNU,
KATTIKULAM P.O., MANANTHAVADY,
WAYANAD DISTRICT.**

BY ADV. SMT.CELINE JOSEPH.

RESPONDENT(S):

- 1. MEENAKSHI, W/O.LATE MARAN,
VIDHYAGOPURAM VEEDU, EDAYOORKUNNU,
KATTIKULAM P.O., MANANTHAVADY,
WAYANAD DISTRICT-673 121.**
- 2. BALAN, AGED NOT KNOWN, S/O.LATE MARAN,
VIDHYAGOPURAM VEEDU, EDAYOORKUNNU,
KATTIKULAM P.O., MANANTHAVADY,
WAYANAD DISTRICT-673 121.**
- 3. RAVI, AGE NOT KNOWN, S/O.LATE MARAN,
VIDHYAGOPURAM VEEDU, EDAYOORKUNNU,
KATTIKULAM P.O., MANANTHAVADY,
WAYANAD DISTRICT-673 121.**
- 4. THE DISTRICT COLLECTOR,
KALPETTA, WAYANAD-673 121.**
- 5. REVENUE DIVISIONAL OFFICER,
MANANTHAVADY, WAYANAD DISTRICT-673 121.**

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**6. TAHSILDAR, MANANTHAVADY TALUK,
WAYANAD DISTRICT-673 121.**

**7. VILLAGE OFFICER,
THRISSILERY VILLAGE, MANANTHAVADY TALUK,
WAYANAD DISTRICT-673 121.**

**8. SECRETARY TO REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM-673 121.**

R4 TO R8 BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE DOCUMENT NO.4537/83 DATED 15/12/1983 F THE SRO, MANANTHAVADY.
- EXT.P1A COPY OF THE PATTA ISSUED TO THE 1ST PETITIONER.
- EXT.P2 COPY OF THE PATTAYAM ISSUED TO SRI.MUHAMMED.
- EXT.P3 COPY OF THE TAX RECEIPT DATED 19/05/2014 ISSUED TO THE PETITIONER.
- EXT.P4 COPY OF THE APPLICATION SUBMITTED BY 1ST RESPONDENT BEFORE THE REVENUE DIVISIONAL OFFICER, MANANTHAVADY.
- EXT.P5 COPY OF THE ORDER DATED 21/06/1996 ISSUED BY R.D.O.
- EXT.P6 COPY OF THE NOTICE DATED 06/01/2014 ISSUED BY THE VILLAGE OFFICER TO THE PETITIONERS.
- EXT.P7 COPY OF THE REPORT DATED 20/02/2014 OF THE TAHSILDAR.
- EXT.P8 COPY OF THE REPRESENTATION DATED 13/03/2015 SUBMITTED BEFORE THE R.DO., MANANTHAVADY BY THE 2ND PETITIONER.
- EXT.P9 COPY OF THE REPRESENTATION DATED 13/03/2015 SUBMITTED BY THE 2ND PETITIONER BEFORE THE TAHSILDAR, MANANTHAVADY.
- EXT.P10 COPY OF THE REPRESENTATION DATED 13/03/2015 SUBMITTED BY THE PETITIONERS BEFORE THE DISTRICT COLLECTOR, WAYANAD.
- EXT.P11 COPY OF THE COMMUNICATION DATED 07/03/2014 ISSUED FROM THE REVENUE DIVISIONAL OFFICE, MANANTHAVADY.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9167 of 2015

Dated this the 6th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

“a. To issue a writ of certiorari or other appropriate writ, order or direction calling for the records leading to Ext.P5 and Ext.P6 to quash the same.

b. Issue a writ of mandamus or other appropriate writ, order or direction directing the respondents 4 to 6 to consider Ext.P8 to P10 representations within a time frame as ordered by this Court.

c. To declare that the petitioners are entitled to retain the land as per the provision and sub clause (2) of Section 5 of the Act 12 of 1999.”

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

3. The learned Government Pleader submits on instructions that, after passing Exts. P5 and P6, the petitioners submitted Exts. P8 to P10 representations and after considering Ext.P8 representation necessary direction was given by the RDO to the Tahsildar to cause measurement of the property concerned and that steps are going on in this regard to have the proceedings considered accordingly.

4. The learned counsel for the petitioners submits that the main grievance of the petitioners as projected in Ext.P8 is that the

measurement effected by the Taluk Surveyor is not at all correct and by virtue of the complexity of the matter, it requires to be considered and measured out by the District Surveyor.

5. The learned Government Pleader points out that the matter can be considered after getting a report from the 6th respondent Tahsildar. In the above circumstance, the writ petition is disposed of, directing the Tahsildar to submit a report as called for by the 5th respondent. On receipt of the report as above, the proceedings shall be finalized by the competent authority (District Collector/RDO) taking note of the grievance projected by the petitioners by way of Exts. P8to P10 after affording an opportunity of hearing to the petitioners in this this regard. The proceedings as above shall be finalized at the earliest, at any rate, withing 'three months' from the date of receipt of a copy of this judgment. Interim order of status quo will continue till such time.

The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

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