

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 16474 of 2007 (J)

PETITIONER(S) :

ABRAHAM.G,
S/O GEORGE, VAZHAVILA VEEDU,
ELIKKATTOOR P.O., PIRAVANTHOOR,
PATHANAPURAM, KOLLAM.

BY ADV. SRI.R.ARUN RAJ.

RESPONDENT(S) :

1. TAHSILDAR,
PATHANAPURAM, KOLLAM.
2. DISTRICT COLLECTOR,
KOLLAM DISTRICT, KOLLAM.
3. STATE OF KERALA,
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1: COPY OF THE SALE DEED DATED 21/09/1995
- EXT. P2: COPY OF THE SETTLEMENT DEED DATED 22/06/1979.
- EXT. P3: COPY OF THE LAND TAX RECEIPT DATED 24/05/2007.
- EXT. P4: COPY OF THE NOTICE DATED 23/05/2007.
- EXT. P5: COPY OF THE INTIMATION GIVEN BY THE GOVERNMENT TO SAID
JOHN ABRAHAM DATED 09/10/1973.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P.(C) No. 16474 of 2007 (J)

Dated this the 22nd day of May, 2015

J U D G M E N T

The petitioner in the above Writ Petition was aggrieved with the proceedings initiated at Ext.P4, purportedly for eviction of the petitioner from certain Government land.

2. The counter affidavit of the Government would indicate that land conservancy proceedings were initiated as L.C. Case No.21/1974, under the provisions of the Kerala Land Conservancy Act, against the predecessor-in-interest of the petitioner. The petitioner had purchased the land from the legal heirs of the person against whom the land conservancy proceedings were initiated in the year 1995. It is also stated that on 23.05.2007 notice under Form CC as per Rule 13A of the Kerala Land Conservancy Rules, 1958 was issued and on 28.05.2007 the land was taken possession of by the Government in the presence of the petitioner. A suit, filed by the petitioner as O.S.

No.107/2007 before the Sub Court, Kottarakara, was dismissed on 19.10.2007, against which an FAO No.357/2007 is stated to have been filed before this Court. It is also evident that on 14.12.2007 there was an order of status quo in that FAO.

3. In such circumstance, the issue would have to be dealt with in the appeal filed before this Court and the Writ Petition would stand closed, leaving open the liberty of either parties to agitate their cause in the appeal.

Sd/-
K.VINOD CHANDRAN,
JUDGE