

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 10017 of 2014 (B)

PETITIONER:

**ALANICKAL CHANDI,VILAMANA AMSOM,
DESOM, KILIYANTHARA P.O., KANNUR.**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF
REVENUE AND DISASTER MANAGEMENT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
KANNUR DISTRICT - 670 001.**
- 3. THE DEPUTY COLLECTOR (L&R),
KANNUR - 670 001.**
- 4. THE TAHSILDAR,
THALASSERY, KANNUR DISTRICT - 670 101.**
- 5. THE VILLAGE OFFICER,
VILAMANA, KANNUR -670 101.**
- 6. CHURICKAL GOVINDAN, VILAMANA AMSOM,
DESOM, THALASSERY, KANNUR - 670 101.**

R1 TO R5 BY SPECIAL GOVT. PLEADER SRI.P.K.SOYUZ

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 10017 of 2014 (B)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1- A TRUE COPY OF THE ASSIGNMENT DEED ISSUED IN FAVOUROF THE 6TH RESPONDENT.
- EXHIBIT-P2- A TRUE COPY OF THE DEED ENTERED INTO BY THE PETITIONER AND THE 6TH RESPONDENT AND GOT REGISTERED ON 29/05/1985.
- EXHIBIT-P3- A TRUE COPY OF THE TAX RECEPITS OF THE PETITIONER.
- EXHIBIT-P4- A TRUE COPY OF THE NOTICE DATED 27/11/2012 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- EXHIBIT-P5- A TRUE COPY OF THE PROCEEDINGS DATED 12/07/2013 OF THE 3RD RESPONDENT.
- EXHIBIT-P6- A TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER DATED 25/03/2014 BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.10017/2014**  
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Dated this the 9th Day of December, 2015

J U D G M E N T

The petitioner purchased certain extent of land comprised in survey No.715 of Vilamana Village from the sixth respondent on 01/06/1985. This land was originally assigned to the sixth respondent by Exhibit P1 dated 30/11/1976 in terms of the Kerala Land Reforms Act, 1963 imposing the conditions and restrictions specified in Rule 29 of the Kerala Land Reforms (Ceiling) Rules, 1970. It was found that the assignment of the land to the petitioner was in violation of the above Rules. Accordingly, the assignment has been cancelled as per Exhibit P5. The petitioner has impugned Ext.P5 in this writ petition.

2. There is a restriction against alienation under Rule 29 of the Rules. The original assignment in this matter was in the year 1976 and it was transferred to the petitioner in the year 1985. About nine years after the assignment, it was found that such transfer is in violation of the rules and accordingly, the assignment has been cancelled as per the impugned order.

3. The petitioner submits that in terms of the proviso to Rule 29, the Government has power for relaxing restriction against alienation for the reasons to be recorded in writing in deserving cases. For invoking the above power, the petitioner has approached the Government by Exhibit P6. The petitioner confines his request for consideration of Exhibit P6 by the Government.

4. In that view of the matter, there shall be a direction to the first respondent to consider Exhibit P6 after hearing the petitioner within a period of three months.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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