

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 17466 of 2007 (D)

PETITIONER :

**N.P. MATHEWS
KALIKAVU P.O., MALAPPURAM DT.**

BY ADV. SRI.P.M.POULOSE

RESPONDENTS :

- 1. GOVERNMENT OF KERALA
CHIEF SECRETARY, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM**
- 2. DISTRICT COLLECTOR, MALAPPURAM,
MALAPPURAM DIST - 676505**
- 3. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DT -679322**
- 4. THE TAHSILDAR, NILAMBUR - 679329.**

R1 TO R4 BY GOVERNMENT PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE DOCUMENT NO. 183/1980.**
- P2: COPY OF THE DOCUMENT NO. 1808/1983.**
- P3: COPY OF ORDER GO(MS 368/1996 DT 11/7/96.**
- P4: COPY OF THE INTIMATION FROM THE OFFICE OF MINISTRY OF REVENUE AND
LAW.**
- P5: COPY OF THE INTIMATION NO. CM.56/04/NILAMBUR**
- P6: COPY OF THE REPRESENTATION DT 21/6/2003 BY THE PETITIONER AND
OTHERS.**
- P7: COPY OF THE REPRESENTATION DT 24/3/2007 BY THE PETITIONER AND
OTHERS.**
- P8: COPY OF THE LETTER G3.5763 DT 2/8/1999 OF THE R4.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 17466 of 2007

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Dated this the 19th day of November, 2015

J U D G M E N T

The petitioner approached this Court for following reliefs:

“i. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to implement Ext.P3 Order of assignment No.GO(MS) 368/96/RD dated 11.7.1996 and the decision of the Land Assignment Committee meeting dated 31.7.1999 as contained in Ext.P8 forthwith.

ii. to issue any other writ, order or direction that this Hon'ble Court may deem fit and proper in the circumstances of the case.

AND

iii. to award costs of this W.P.(C) to the petitioner.”

2. As per Ext.P3 Government order, the Government is directed the District Collector, Malappuram to resume 34 cents of land in resurvey No. 869 in Kalikavu Village in Eranadu Taluk from the General Education Department and to transfer the land to Revenue Department for assignment in the favour of the present occupants. It is also observed in the order that the General Education Department has consented for this proposal. This order was passed on 11.7.1997.

3. The petitioner approached this Court on account of delay in implementing aforesaid Government order. The

petitioner also refers to Ext.P8 order of the land assignment committee constituted by the District Collector. In the above order it was decided to assign property referred as above to the persons mentioned in Ext.P8 order including the petitioner.

4. In the counter affidavit filed by the 2nd respondent in para 7, it is stated as follows:

“It is hereby submitted that, even though the proceedings were initiated for assignment of land as early as on 11.07.1996, considerable delay was occurred due to the various procedures like clarification from the Government, site inspection, preparation of valuation reports, disposal of petition lodged against the assignment etc., and there is no willful or deliberate delay on the part of Revenue Officials including this respondent. The Government issued Circular No.23890/P1/1995/RD dated 12.05.1995 regarding assignment of Government land. The Revenue officials are strictly following the directions contained in the above circular. In the above circular the Government clarified that land in the State is a scarce commodity and its utilization should be managed wisely and judiciously and the Government lands have to be reserved for the use of various Government's Schemes. The land in question is situated in the centre of Kalikavu Junction having road facility at two sides. Now the market value of the above property is very high.”

5. This Court is of the view that once the Government has taken a decision, the decision has to be implemented in its full spirit. It is not open for the officials to refuse to act upon stating that the market value of the property is very high. It is to be noted that almost two decades are over from the date of issuance of Ext.P3. The delay cannot be attributed to the

petitioner or to the beneficiary. The Government has taken a decision taking note of the fact that beneficiaries are in occupation of the land. In the above circumstances, this Court is of the view that assignment of the land shall be completed in favour of the petitioner within three months from the date of receipt of the copy of this judgment. If any value has to be fixed, that shall be reckoned as on the date of 1997.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE