

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 20676 of 2006 (J)

PETITIONER :

**SAHADEVAN,S/O.MAYANDI,
CHEMANKAD, KOTTEKAD, PALGHAT.**

**BY ADVS.SRI.T.C.MOHANDAS
SRI.T.M.SUNIL
SMT.S.CHITHRA
SRI.A.S.BRIJESH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, PALGHAT.**
- 2. TALUK LAND BOARD, REPRESENTED BY
ITS CHAIRMAN, PALGHAT.**
- 3. TAHSILDAR, PALGHAT.**
- 4. VILLAGE OFFICER, MALAMPUZHA I VILLAGE,
MALAMPUZHA, PALGHAT.**

BY GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.20676/2006

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER IN S.M.NO.949/1976 DATED 29/3/1988 OF THE TALUK LAND BOARD
- P2 COPY OF THE JUDGMENT IN C.R.P.NO.1450/1988 DATED 4/1/1989.
- P3 COPY OF THE JUDGMENT IN O.P.NO.1595/1998 DATED 16/2/1998

RESPONDENT'S EXHIBITS AND ANNEXURES:

- ANNEX R3(A) COPY OF THE RELEVANT PAGES OF OLD FIELD MEASUREMENT BOOK SKETCH (MARKED)
- ANNEX R3(B) COPY OF THE RELEVANT PAGES OF RE-SURVEY FIELD MEASUREMENT BOOK SKETCH
- ANNEX R3(C) COPY OF THE RELEVANT PAGES OF OLD FIELD MEASUREMENT BOOK SKETCH
- ANNEX R3(D) COPY OF THE RELEVANT PAGES OF OLD BASIC TAX REGISTER.
- ANNEX R3(E) COPY OF THE RELEVANT PAGES OF RE-SURVEY BASIC TAX REGISTER.

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P(C). No.20676 of 2006

Dated this the 25th day of May, 2015.

JUDGMENT

The petitioner was aggrieved with the alleged attempt of the official respondents to take over lands in violation of Exts.P2 and P3 judgments. Admittedly, proceedings were initiated against the petitioner as S.M. No.949 of 1976 by the Taluk Land Board, Palakkad to determine excess lands in the possession of the petitioner, which culminated in Ext.P1 order being passed. A revision was taken before this Court, which concluded with Ext.P2 judgment.

2. The only ground taken up in the revision was that the declarant being the petitioner herein, had exercised his option to surrender property from R.S. No.163/1. However, the authorised Officer who visited the property, found that the portion of the property measuring 3.16 Acres was vested forest and the same could not be surrendered by the applicant herein. This Court in

Ext.P2 found that, if the land as surrendered by the petitioner on his exercising an option, is not available to be surrendered from R.S. No.163/1, the Taluk Land Board would be at liberty to recover possession of such other property from the petitioner. A further writ petition also found the same in Ext.P3. At the time of admission, an interim order was passed making it clear that take over of lands, if any, shall only be under the procedure prescribed under the Kerala Land Reforms Act, 1963.

The said interim order is hence made absolute and the above writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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