

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. 11103 of 2015 (K)

PETITIONER:

**K.R.ANIYAN KUNJU, S/O.RAGHAVAN,
KAVUMPRAYIL HOUSE, POTHAMEDU,
MUNNAR - 685612.**

**BY ADVS.SRI.K.P.SUDHEER
SRI.YJAFAR KHAN**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHPUARAM - 695 001.**
- 2. LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM - 695 001.**
- 3. SPECIAL DEPUTY TAHSILDAR,
CARDAMOM SETTLEMENT OFFICE,
DEVIKULAM - 685 603.**
- 4. ASSISTANT CARDAMOM SETTLEMENT OFFICER,
KUMALI, OFFICE OF THE COLLECTORATE,
PAINAVU, IDUKKI - 685 603.**
- 5. THE DISTRICT COLLECTOR,
IDUKKI - 686 002.**
- 6. C.T.KATHIRESAN, S/O.CHITHARAMBARAM,
18 ROOM, KDH VILLAGE, MUNNAR P.O.,
IDUKKI DISTRICT, PIN - 685 612.**
- 7. K.T.NACHAMMA, W/O.KATHIRESAN,
18 ROOM, KDH VILLAGE MUNNAR P.O.,
INDUKKI DISTRICT, PIN - 685 612.**
- 8. K.T.PALANIAPPAN, S/O.KATHIRESAN,
18 ROOM, KDH VILLAGE, MUNNAR P.O.,
IDUKKI DISTRICT, PIN - 685 612.**

9. K.T.MUTHUKUMAR, S/O.KATHIRESAN,
18 ROOM, KDH VILLAGE, MUNNAR P.O.,
IDUKKI DISTRICT, PIN - 685 612.
10. K.T.RAJESWARI, D/O.KATHIRESAN,
18 ROOM, KDH VILLAGE, MUNNAR P.O.,
IDUKKI DISTRICT, PIN - 685 612.
11. K.T.RANGARAJAN, S/O.KATHIRESAN,
18 ROOM, KDH VILLAGE, MUNNAR P.O.,
IDUKKI DISTRICT, PIN - 685 612.

R1 TO R5 BY SENIOR 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:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE ORDER PASSED BY THE SPECIAL DEPUTY
TAHSILDAR, CARDAMOM SETTLEMENT DATED 24/02/1994 IN LC CASE
NO. 10/1996.
- EXT.P2: TRUE COPY OF THE LEASE IN LWA NO. 14/96 DATED 27/06/1996.
- EXT.P3: TRUE COPY OF THE JUDGMENT IN WPC NO. 22782 OF 2004
DATED 18/08/2005 PASSED BY THIS HON'BLE COURT.
- EXT.P4: TRUE COPY OF ORDER NO. KL.10420/2005 DATED 14/02/2007 PASSED
BY THE 5TH RESPONDENT.
- EXT.P5: TRUE COPY OF THE MEMO FILED BY THE GOVERNMENT PLEADER
BEFORE THIS HONOURABLE COURT DATED 01/01/2008 IN
WPC NO. 9452/2007.
- EXT.P6: TRUE COPY OF THE JUDGMENT DATED 01/10/2009 IN WPC NO. 9452
OF 2007 OF THIS HON'BLE COURT.
- EXT.P7: TRUE COPY OF THE RECEIPT ISSUED BY THE OFFICE OF THE
SECOND RESPONDENT DATED 13/10/2009.
- EXT.P8: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
DATED 12/01/2011 AND THE RECEIPT ISSUED BY THE
2ND RESPONDENT.
- EXT.P9: TRUE COPY OF THE PETITION AND RECEIPT SUBMITTED BY THE
PETITIONER TO THE SECOND RESPONDENT DATED 29/12/2014.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 11103 of 2015

Dated this the 6th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“a. Issue a writ of mandamus or any other appropriate writ, order or direction cancelling the orders of assignment of Government Land of an extent of 34.53 acres granted in the name of respondents 2 to 7 (LWA 8/95, 9/95, 10/95, 11/95, 12/95, 4/96 and 15/96) under the Kerala Cardamom Cultivation Rules, 1961.

b. Issue a writ of mandamus or other appropriate writ, order directing the second respondent to consider Ext.P8 and pass orders on the basis of Ext.P6 judgment.”

The learned counsel for the petitioner submits that, in the earlier round of litigation, W.P.(C). No. 9452 of 2007 was disposed as per Ext.P6 judgment dated 1.10.2009, whereby the 2nd respondent was directed to conduct an enquiry and to have the matter finalized accordingly. Despite the lapse of more than 5 years, nothing transpired in the positive. The petitioner moved the 2nd respondent by filing Exts. P8 and P9 and the prayer is to cause the same to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well.

3. If the version of the petitioner is true and the 2nd respondent has not given effect to Ext.P6 judgment passed by this Court, the course and action pursued by the said respondent cannot but be deprecated. However, this Court does not find it necessary to go into the details, as instructions are still to be obtained by the learned Government Pleader and the matter is coming up for the first time.

4. Considering the limited nature of relief sought for, the 2nd respondent is directed to consider and pass appropriate orders on Exts. P8 and P9 in accordance with law after affording an opportunity of hearing to the petitioner at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps. The writ petition is disposed of.

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