

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11212 of 2015 (B)

PETITIONER(S):

**ROBERT AGED 64 YEARS
S/O. OUSEPUNNI, ODATHAKKAL HOUSE
THUNDATHUMKADAVU MURI, VARAPPUZHA, ERNAKULAM DISTRICT**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD ERNAKULAM DISTRICT-682030**
- 2. THE TAHSILDAR,
TALUK OFFICE, NORTH PARUR, ERNAKULAM DISTRICT
PIN-683 513**
- 3. THE VILLAGE OFFICER,
VILLAGE OFFICE, VARAPPUZHA, ERNAKULAM DISTRICT
PIN-683 517**
- 4. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, THIRUVANANTHAPURAM -695 001**

BY ADV.SRI.K.C.VINCENT, SR.GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE REPORT DATED 11.04.2003 SUBMITTED BY THE VILLAGE OFFICER, VARAPPUZHA TO THE TAHSILDAR, NORTH PARUR,

EXHIBIT P2:TRUE COPY OF THE JUDGMENT DATED 25.02.2011 MADE IN W.P.(C). NO.37235/2003.

EXHIBIT P3: TRUE COPY OF THE APPLICATION DATED 16.06.2011 UNDER RULE 9(7) OF THE KERALA LAND ASSIGNMENT RULES.

EXHIBIT P4:TRUE COPY OF THE PROCEEDINGS DATED 01.02.2014 ISSUED BY THE 2ND RESPONDENT CANCELING THE THANDAPER NO.14908.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PATO JUDGE

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.11212 OF 2015
.....

Dated this the 7th April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i. issue a writ of mandamus or any other appropriate writ, or order commanding the 4th respondent to consider, take decision on Exhibit P3 application filed by the petitioner under Rule 9(7) of the Kerala Land Assignment Rules.

ii) issue a writ of mandamus or any other appropriate writ, or order restraining the 2nd respondent from proceeding further on the strength of Exhibit P4 order till a decision is taken by the 4th respondent on Exhibit P3 application; and

iii) to pass such other orders or reliefs as this Hon'ble Court deems fit in the interest of justice."

2. The petitioner is aggrieved of the delay on the part of the 4th respondent/State in considering Ext.P3 application preferred under Rule 9(7) of the Land Assignment Rules for condonation of delay in remitting the dues under the Rules. When the matter is taken up for consideration, the learned Counsel for the petitioner

submits that the only relief pressed before this Court is for issuance of a direction to the fourth respondent/State to consider and dispose of Ext.P3 application preferred by the petitioner at the earliest.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of directing the fourth respondent/State to consider and dispose of Ext.P3 at the earliest, at any rate , within three months from the date of receipt of a copy of the judgment, after affording an opportunity of hearing to the petitioner and other interested parties if any. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the fourth respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

/k