

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 11726 of 2014 (M)

PETITIONER(S):

ALLOKANDY KUNJIRAMAN, AGED 78 YEARS
S/O.KANNAN, RESIDING AT ALAYULLAKANDI HOUSE
PALAYADU NADA P.O, IRINGAL, 673 530
VADAKARA, KOZHIKODE.

BY ADV. SMT.SREEKALA KRISHNADAS

RESPONDENT(S):

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, COLLECTORATE,
KOZHIKODE 673 009.
3. THE TAHSILDAR
TALUK OFFICE, VADAKARA 673 101.
4. THE VILLAGE OFFICER
PALAYAD, VADAKARA 673 101.
5. A.P.RAVEENDRAN
RESIDING AT KOLAVATTATH, P.O MEMUNDA, VADAKARA
KOZHIKODE DISTRICT, 673 101.
6. A.P.BALAKRISHNAN
RESIDING AT KOLAVATTATH, P.O MEMUNDA, VADAKARA
KOZHIKODE DISTRICT, 673 101.
7. M.K.MUHAMMED HAJI
S/O.MOIDU HAJI, BUSINESS, RASIYA MANSIL
CHEMMARATHUR AMSOM, DESAM P.O CHEMMARATHUR
VADAKARA TALUK, KOZHIKODE DISTRICT, 673 104.
8. M.K.IBRAHIM HAJI
S/O.MOIDU HAJI, ALSAFA MANZIL, CHEMMARATHUR AMSOM
DESAM P.O CHEMMARATHUR, VADAKARA TALUK
KOZHIKODE DISTRICT, 673 104.
R5-R8 BY ADV. SRI.C.VATHSALAN
R5-R8 BY ADV. SRI.GHOSH YOHANNAN
R5-R8 BY ADV. SRI.K.RAKESH ROSHAN
R5-R8 BY ADV. SMT.THUSHARA.V
BY GOVERNMENT PLEADER SRI. REFEEK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE CERTIFIED COPY OF SALE DEED NO.2751/1965.

EXHIBIT P2:.. COPY OF THE DECREE DATED 13.10.77 IN OS 30/75 PASSED BY ADDITIONAL SUB JUDGE VADAKARA.

EXHIBIT P3: COPY OF THE LAND TAX RECEIPT DATED 15.03.80.

EXHIBIT P4: COPY OF THE JUDGMENT DATED 30.03.95 IN OS 91/90 PASSED BY THE SUB JUDGE KOYILANDY.

EXHIBIT P5: COPY OF THE DECREE DATED 30.03.95 IN OS 91/90 PASSED BY THE SUB JUDGE KOYILANDY.

EXHIBIT P6: COPY OF THE JUDGMENT PASSED BY THE MUNSIFF COURT PAYYOLI DATED 31.01.96 IN OS 138/71.

EXHIBIT P7: COPY OF THE DECREE PASSED BY THE MUNSIFF COURT PAYYOLI DATED 31.01.1996 IN OS 138/1971.

EXHIBIT P8: COPY OF THE AFFIDAVIT FILED IN OS 67/02 BEFORE THE SUB JUDGE KOYILANDY.

EXHIBIT P9: COPY OF THE ORDER DATED 07.08.10 PASSED BY THE 2ND RESPONDENT.

EXHIBIT P10: COPY OF THE VILLAGE OFFICER DATED 02.05.08.

EXHIBIT P11: COPY OF THE SURVEYOR REPORT AND PLAN DATED 13.10.08.

EXHIBIT P12: COPY OF THE LEGAL OPINION DATED 18.06.08 GIVEN BY THE ADDITIONAL GOVERNMENT PLEADER, VADAKARA.

EXHIBIT P13: COPY OF THE WRIT PETITION WPC 33893/10 FILED BY RESPONDENT NO.5 BEFORE THE HONOURABLE HIGH COURT.

EXHIBIT P14: COPY OF THE ORDER IN IA 814/12 IN OS 139/12 PASSED BY THE SUB JUDGE KOYILANDY DATED 05.11.12.

EXHIBIT P15: COPY OF THE JUDGMENT IN OS 139/12 PASSED BY THE SUB JUDGE KOYILANDY DATED 11.10.12.

EXHIBIT P16: COPY OF THE COMMON ORDER DATED 04.03.13 PASSED BY THE HONOURABLE HIGH COURT IN WPC 15310/10 AND 33893/10.

EXHIBIT P17: COPY OF THE ORDER DATED 06.08.13 PASSED BY THE DISTRICT COLLECTOR.

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EXHIBIT P18: COPY OF THE ORDER IN WPC 20712/13 DATED 09.09.13 PASSED BY THE HONOURABLE HIGH COURT.

EXHIBIT P19: COPY OF THE ORDER DATED 05.02.14 PASSED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

EXHIBIT R5(A):COPY OF THE JUDGMENT IN S.A. NO.142 OF 99 BY THIS HONOURABLE COURT.

EXHIBIT R5(B):COPY OF THE ORDER DATED 22.7.2008 BY THE GOVERNMENT OF KERALA.

EXHIBIT R5(C):COPY OF THE RECEIPT FOR PAYMENT OF MONEY TO THE GOVERNMENT.

EXHIBIT R5(D):COPY OF THE DOCUMENT NO.602/2008

EXHIBIT R5(E):COPY OF DOCUMENT NO.3327/08

EXHIBIT R5(F):COPY OF THE PURCHASE CERTIFICATE.

EXHIBIT R5(G):COPY OF THE DOCUMENT NO.3330 OF 2005.

EXHIBIT R5(H):COPY OF THE PRELIMINARY DECREE IN O.S.NO.53 OF 2009 OF SUB COURT, KOYILANDY.

EXHIBIT R5(I):COPY OF THE APPEAL FILED BY THE PETITIONER.

/TRUE COPY/

P.A. TO JUDGE

SKV

P.V.ASHA, J.

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Dated this the 13th day of July, 2015

JUDGMENT

This writ petition has been filed challenging Ext.P19 order – No.C2-1566/10 dated 15.2.2014 of Tahsildar Vadakara. The counsel for the petitioner submits that they have been invoked an appellate remedy as against the order passed by the Tahsildar filing an appeal before the Revenue Divisional Officer, Kozhikode, on 29.4.2014.

2. Under the circumstances of the case, there shall be a direction to the Revenue Divisional Officer, Kozhikode, to consider and pass orders on the said appeal, which is produced in this writ petition as Ext.R5(I) after hearing the petitioner as well as the 5th respondent within a period of two months from the date of receipt of a copy of this judgment.

3. The petitioner shall produce a copy of the writ petition along with a copy of the judgment before the

Revenue Divisional Officer.

4. A copy of the judgment shall be forwarded to the Revenue Divisional Officer.

5. The petitioner shall move the petition for stay before the Revenue Divisional Officer within a period of 2 weeks. Interim order passed by this court is extended for a period of two weeks.

Accordingly this writ petition is disposed of.

Sd/-
P.V.ASHA, JUDGE

SKV