

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12039 of 2015 (D)

PETITIONER(S):

**VARGHESE, AGED 62 YEARS,
S/O.LATE KURIAKOSE, THAVANAL HOUSE, AAYIRAMEKKAR KARA,
VELLATHOOVAL VILLAGE, IDUKKI DISTRICT.**

**BY ADVS.SRI.K.P.RAMACHANDRAN
SRI.SANJAY THAMPI**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARIES,
DEPARTMENT OF REVENUE AND AGRICULTURE,
STATE SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.**
- 2. THE DISTRICT COLLECTOR, COLLECTORATE-IDUKKI,
KUYILIMALA, PAINAV POST, IDUKKI, PIN-685603.**
- 3. THE REVENUE DIVISIONAL OFFICER,
DEVIKOLAM, IDUKKI DISTRICT-685613.**
- 4. THE AGRICULTURAL OFFICER, KRISHI BHAVAN,
VELLATHOOVAL, IDUKKI DISTRICT, PIN-685563.**
- 5. THE TAHSILDAR, DEVIKOLAM, IDUKKI DISTRICT, PIN-685613.**
- 6. THE SECRETARY, VELLATHOOVAL GRAMA PANCHAYATH,
VELLATHOOVAL, IDUKKI DISTRICT, PIN-685563.**

**R1-5 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R6 BY SRI.GEORGEKUTTY MATHEW,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE AGREEMENT DATED 1/10/12 EXECUTED BETWEEN THE PETITIONER AND C.M.GOPI AND SHIJU
- P2: COPY OF THE COMMUNICATION DATED 28/1/10 ISSUED BY THE ADDITIONAL TAHSILDAR, DEVIKULAM TO THE DISTRICT COLLECTOR, IDUKKI
- P3: COPY OF THE PLAINT DATED 10/1/11 IN OS.17/11 ON THE FILES OF THE HON'BLE MUNSIFFS' COURT, DEVIKOLAM
- P4: COPY OF THE PLAINT DATED 3-4-14 IN OS.127/14 ON THE FILES OF THE HON'BLE MUNSIFFS' COURT, DEVIKOLAM
- P5: COPY OF THE COMPLAINT DATED 30/1/12 SUBMITTED BY THE VICAR OF THE ST.GEORGE JACOBITE SYRIAN CHURCH BEFORE THE REVENUE DIVISIONAL OFFICER, DEVIKOLAM.
- P6: COPY OF THE ORDER DATED 30/5/14 PASSED BY THE REENUE DIVISIONAL OFFICER, DEVIKOLAM.
- P7: COPY OF THE JUDGMENT DATED 18/7/14 OF THIS HON'BLE COURT IN WPC.13895/14
- P8: COPY OF THE CERTIFICATE DATED 6/6/14 ISSUED BY THE AGRICULTURAL OFFICER, VELLATHOOVAL
- P9: COPY F THE OBJECTION/REPRESENTATION DATED 30/8/14 SUBMITTED BY THE PETITIONER TO THE DISTRICT COLLECTOR, IDUKKI
- P10: COPY ORDER DATED 5/3/15 OF ASSISTANT DISTRICT COLLECTOR DIRECTING THE PETITIONER TO RESTORE THE LAND TO THE ORIGINAL POSITION (IN ORIGINAL).

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 12039 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

Being aggrieved of Ext.P10 order dated 5.03.2015 passed by the 2nd respondent ordering restoration of property under Section 13 of the Act 28 of 2008, the petitioner has moved this Court by filing this writ petition.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the petitioner is having an effective alternative remedy by way of revision as provided under Section 28 of the Act 28 of 2008. In the said circumstance, the petitioner is relegated to approach the 1st respondent by filing a revision within two weeks from the date of receipt of a copy of this judgment upon which the same shall be considered and appropriate orders shall be passed after giving an opportunity of hearing to the petitioner at the earliest, at any rate, within 'three months' thereafter. 'Status quo' shall be maintained till such time.

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

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

kp/-