

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 17697 of 2012 (J)

PETITIONER(S):

SREEDHARAN, AGED 64 YEARS,
S/O. LATE THAMPI, 4TH UNIT, QUARTER NO. 326,
SUGANDHAGIRI CARDAMOM PROJECT, P.O.SUGANDHAGIRI,
VYTHIRI TALUK, WAYANAD DISTRICT.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENT(S):

1. SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE DISTRICT COLLECTOR,
CIVIL STATION, KALPETTA, WAYANAD-678592.
3. THE TAHSILDAR,
TALUK OFFICE, VYTHIRI, P.O.VYTHIRI,
WAYANAD-698592.
4. THE VILLAGE OFFICER,
POZHUTHANA VILLAGE,
POZHUTHANA P.O., VYTHIRI-673575.

BY SENIOR GOVERNMENT PLEADER SRI.E.M.ABDUL KHADIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

WP(C).No. 17697 of 2012 (J)

APPENDIX

PETITIONER(S) EXHIBITS

**EXHIBIT P1: TRUE COPY OF JUDGMENT DATED 03-12-2011 IN O.S.NO. 143/10 OF
MUNSIFF COURT, KALPETTA.**

**EXHIBIT P2: TRUE COPY OF REPRESENTATION DATED 13-02-2012 BEFORE 2ND
RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF COMMUNICATION DATED 07-03-2012 OF 2ND
RESPONDENT TO 3RD RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.M. SHAFFIQUE, J.

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W.P. (C) No. 17697 of 2012

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Dated this, the 12th day of November, 2015

J U D G M E N T

Petitioner has approached this Court seeking for a direction to respondents 2 to 4 to allot 5 Acres of suitable land in Sugandhagiri Cardamom Project to the petitioner. Petitioner relies upon Ext.P1 judgment dated 3/12/2011 in OS No.143/2010 of Munsiff Court, Kalpetta wherein similar claim had been raised by the petitioner and decree had been passed directing the defendants viz., State and its authorities to allot either plaint B Schedule property or C Schedule properties in Sugandhagiri Cardamom Project area in favour of the petitioner cancelling the allotment of plot No.325 in unit No.4 in his favour.

2. A statement has been filed by the 3rd respondent *inter alia* stating that against the judgment of the Munsiff Court, an appeal has been filed before the Sub Court, Sulthan Bathery and the appeal is still pending. That apart, it is contended that the Sugandhagiri Cardamom was started in 1976 to rehabilitate 715 Scheduled Tribe settlers of Wayanad District in 1550 Hectares of

vested forest land of Pozhuthana Village. Survey had started since 2003. On account of various other factual issues involved in the matter, the first draw of lots was cancelled and unit wise draw of lots was conducted on 30/6/2004 for 305 members. The first phase of distribution of lands took place in November 2004. Plots were not allowed to 68 members at the first draw of lots either because they are land holders and they did not have sufficient certificates. Subsequently, as per Government instructions, another draw of lots was conducted on 30/11/2004 enlisting 47 members. The petitioner, a member of the 4th unit was included in the above list and was allotted plot No.325. It is submitted that the direction of the Munsiff Court is to sanction plot No.53 or 55 of the 1st unit to the petitioner, who was actually a member of the 4th unit before the dissolution of the society. Plot Nos. 53 and 55 are set apart for Scheduled Caste Koraga families of unit No.1. Since they did not produce the caste certificates, plots were not allotted to them in lots.

3. Learned counsel for the petitioner submits that the matter is now getting the attention of the District Collector, who has fixed a hearing in the matter.

W.P(C) No.17697/12

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Be that as it may, in view of the fact that the Government had preferred appeal against Ext.P1 judgment, I do not think that this Court will be justified in issuing any direction on the basis of Ext.P1. Petitioner can approach the Execution Court subject to the finality of the civil dispute between the parties. Reserving the above right, this writ petition is closed.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
13/11/2015

//True Copy//

PS to Judge