

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 15255 of 2015 (F)

PETITIONER(S):

**N.S.S KARAYOGAM NO. 282,
VAZHAPPALLY EAST, CHANGANACHERRY,
REPRESENTED BY ITS SECRETARY, VAZHAPPALLY EAST,
CHANGANACHERRY, KOTTAYAM DISTRICT, PIN-686 103.**

**BY ADVS.SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE DISTRICT COLLECTOR,
KOTTAYAM, PIN-686 001.**
- 3. THE TAHSILDAR,
CHANGANACHERRY TALUK,
KOTTAYAM DISTRICT, PIN-686 102.**
- 4. THE VILLAGE OFFICER,
VAZHAPPALLY EAST VILLAGE, VAZHAPPALLY EAST,
CHANGANACHERRY, KOTTAYAM DISTRICT, PIN-686 103.**

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 15255 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : TRUE COPY OF THE ORDER DTD.5-7-1961 IN LC CASE NO.68/1953.

**EXT. P2 : TRUE COPY OF THE REVIEW PETITION DTD.20-6-1964 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXT. P3 : TRUE COPY OF THE REPRESENTATION DTD.27-8-1964 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT. P4 : TRUE COPY OF THE TAX RECEIPT DTD.12-4-1998.

**EXT. P5 : TRUE COPY OF THE ORDER NO.E8-51195/09(28) DTD.31-12-2012 ISSUED BY
THE 2ND RESPONDENT.**

**EXT. P6 : TRUE COPY OF THE REPRESENTATION DTD.10-12-2014 SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.15255 of 2015

Dated this the 8th day of September, 2015.

J U D G M E N T

The petitioner was given Kuthakapattom in respect of the property in Government land situated in re-survey No.21 Block No.82 in Vazhappally East village, Changanacherry Taluk. The petitioner has approached this Court on account of non acceptance of Kuthakapattom.

2. The learned Government Pleader has filed counter in this matter on behalf of the 3rd respondent. It is submitted that the petitioner has not renewed the Kuthakapattom and therefore they cannot accept the Kuthakapattom from the petitioner. Further it is stated in paragraphs 3 and 4 as follows :

"3. But as per the order of the Hon'ble Supreme Court in case No.SLP(C)8519/06 dated 07.12.2009 and order of Home SS(A) Department No.2657/10/Home dated 26.08.2010 the District Collector, Kottayam regularize this encroachment in 31.12.2012. As per the Home Department's Order it is said that if construction by religious organization have more than 15 years older, that encroachment land, if not having make any

dispute, that can be regularized.

4. It is submitted that, in 23.07.2013, the Karayogam authorities have demanded to assign the land in their name. But in a circular by Revenue Department No.48925/A1/06/RD dated 12.06.2006 the Additional Chief Secretary on behalf of the Government request all District Collectors that, the steps taken for assignment of Government land for organization and institutions in all District may be kept in abeyance. So the application for assignment by NSS Karayogam authorities is rejected."

3. This Court is of the view that, it is for the petitioner to approach the Government for renewal of Kuthakapattom. Therefore, if the petitioner approaches the Government for renewal, that shall be considered in the light of Ext.P5 within a period of 3 months of filing of the application for renewal by the Government, after affording an opportunity of hearing the petitioner. The acceptance of Kuthakapattom from the petitioner would depend upon the decision of the Government to renew the Kuthakapattom. Ext.P6 is the representation submitted by the petitioner before the 3rd and 4th respondents to accept the Kuthakapattom. The petitioner submits that their request for assignment has been turned

down by the 3rd respondent and they have not received any copy of the order. If the petitioner submits a written request for issuance of copy of the order before the 3rd respondent, the same shall be served on the petitioner.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge