

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

W.P.(C).No.15676 of 2015 (H)

PETITIONER(S):-

MADHU KUMARI, AGED 65 YEARS,
PROPRIETOR, 'BOTCO' AUTO MARINE ENGINEERS AND CONTERACTOR,
KOLLAM, RESIDING AT POCHAPPALLIYIL VEEDU,
NEW ISWARYIA NAGAR, MANDAN NADA, KOLLAM.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA).

RESPONDENT(S):-

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE, KOLLAM, PIN - 691 013.
3. THE ADDITIONAL TAHSILDAR, TALUK OFFICE, KOLLAM, PIN - 691 001.

R1 TO R3 BY GOVERNMENT PLEADER SRI.S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHBITI P1 A TRUE COPY OF ORDER OF THE FIRST RESPONDENT IS
G.O(MS) NO 361/72/RD DTD 03/04/1972.
- EXHBITI P2 A TRUE COPY OF THE ORDER OF THE FIRST RESPONDENT
GO(MS) NO 127/73/RD DATED 03/04/1973.
- EXHBIIT P3 A TRUE COPY OF THE REPRESENTATION DATED 24TH MAY 2015
SUBMITTED BY THE PETITIONER.
- EXHBIIT P4 A TRUE COPY OF THE ORDER NO B16-8445/11 LC NO 10/2014
DATED 08/05/2015 PASSED BY THE THIRD RESPONDENT.
- EXHBIIT P5 TRUE COPY OF THE APPEAL DATED 25.05.2015 FILED BY THE
PETITIONER BEFORE THE SECOND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.15676 of 2015-H

Dated this the 28th day of July, 2015

JUDGMENT

The only prayer of the petitioner is that, the appeal at Exhibit P5 be directed to be considered and till then, eviction may not be effected.

2. The learned Government Pleader submits that the petitioner's husband was given a land on lease, which lease stood expired in 1998 itself. Land conservancy proceedings were initiated against the petitioner's husband itself, which has ended in Exhibit P4.

3. Admittedly when Exhibit P4 was passed, the petitioner, who is the legal heir of the deceased lessee, was also heard. The petitioner has filed an appeal, evidenced at Exhibit P5, before the Revenue Divisional Officer. In such circumstance, the appeal shall be considered expeditiously and the petitioner shall be permitted to produce any documents to the effect that she has been conducting business even after the expiry of the lease in 1998, before the RDO. Such materials shall be produced within one month. The appeal shall be considered after affording an

opportunity for hearing to the petitioner, at any rate, within three months from the date of production of the evidence. The petitioner's eviction shall be kept in abeyance till the disposal of the appeal. The petitioner shall produce a certified copy of the judgment before the appellate authority and no observation made herein be considered as binding on the appellate authority.

The writ petition is disposed of as above. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]