

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937**

**WP(C).No. 16033 of 2015 (D)**  
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**PETITIONER :**  
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**KUNJALAN,S/O.HASAN, AGED 58 YEARS,  
KUNNATHODIKKATTIL, PUNNATHALA.P.O.,  
KURUMBATHUR AMSOM, CHELLOOR DESOM,  
THIRUR TALUK, MALAPPURAM DISTRICT.**

**BY ADV. SRI.MATHEW KURIAKOSE**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
REVENUE DEPARTMENT, GOVERNMENT SECRETARIATE,  
TRIVANDRUM-695 001**
- 2. THE LAND REVENUE COMMISSIONER,  
OFFICE OF THE LAND REVENUE COMMISSIONER,  
TRIVANDRUM-695 001**
- 3. THE DISTRICT COLLECTOR, MALAPPURAM-676 505**

**BY GOVERNMENT PLEADER SMT. C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 29-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**WP(C).NO.16033/2015**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- P1 COPY OF THE PROCEEDINGS NO.H-600/06 DATED 17/02/2006 ISSUED BY THE REVENUE DIVISIONAL OFFICER, TIRUR.**
- P2 COPY OF THE NO OBJECTION FOR ASSIGNING OF THE LAND IN FAVOUR OF THE PETITIONER ISSUED BY EXECUTIVE ENGINEER, PWD, MANJERI DATED 24/08/2005**
- P3 COPY OF THE LETTER NO.C2/9214/2006 DATED 10/08/2012 DIRECTED THE TAHSILDAR, TIRUR TO SEND A PROPOSAL THROUGH THE REVENUE DIVISIONAL OFFICER FOR ASSIGNING OF THE LAND AFTER FIXING THE MARKET VALUE.**
- P4 COPY OF THE LETTER NO.B241400/12 DATED 22/01/2014 ISSUED BY TAHSILDAR, TIRUR**
- P5 COPY OF THE REPORT DATED 24/10/2014 ISSUED BY THE REVENUE DIVISIONAL OFFICER, TIRUR**
- P6 COPY OF THE ORDER NO.C2-55597/2014-I DATED 13/03/2015 ISSUED BY THE DISTRICT COLLECTOR, MALAPPURAM**
- P7 COPY OF THE APPEAL MEMORANDUM DATED 30/03/2015.**

**RESPONDENT'S EXHIBITS: NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**K. VINOD CHANDRAN, J.**

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W.P.(C) No. 16033 of 2015 (D)  
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Dated this the 29<sup>th</sup> day of May, 2015

**J U D G M E N T**

The petitioner is concerned with the assignment of one cent of land which the Government claims for itself. The petitioner had sought for assignment which was initially proposed and subsequently, the proposal varied for enhancing the value, which, however, now the District Collector has rejected as per Ext.P6, against which an appeal is filed at Ext.P7 before the Land Revenue Commissioner.

2. The petitioner has constructed a building in the property which lies adjacent to the said one cent, a portion of which is on that one cent. The petitioner is aggrieved insofar as the Government is proceeding to demolish the building constructed in the property.

3. In such circumstance, if Ext.P7 has been properly instituted before the Land Revenue Commissioner, then there shall be a stay of demolition and dispossession from that one cent of property, which is the subject matter of the appeal, till the appeal is disposed of.

The Writ Petition is disposed of.

Sd/-  
K.VINOD CHANDRAN,  
JUDGE