

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 18001 of 2015 (A)

PETITIONER :

**DAMIEN INSTITUTE,
AYYAPANKAVU P.O., THRISSUR - 680 751,
REPRESENTED BY ITS DIRECTOR.**

**BY SMT.SUMATHY DANDAPANI,SENIOR ADVOCATE
ADV.SRI.MILLU DANDAPANI**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TAHSILDAR (LAND ASSIGNMENT),
THRISSUR - 680 020.**
- 3. THE DISTRICT COLLECTOR,
THRISSUR - 680 001.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - PHOTOCOPY OF THE CERTIFICATE DT. 25.4.79 ISSUED BY THE GOVERNMENT OF KERALA, HEALTH (J) DEPARTMENT, TO THE PETITIONER.
- P2 - PHOTOCOPY OF CERTIFICATE OF REGISTRATION DT. 27.1.93 ISSUED BY THE REGISTRAR OF SOCIETIES TO THE PETITIONER.
- P3 - PHOTOCOPY OF CERTIFICATE DT. 27.1.93 ISSUED BY THE REGISTRAR OF SOCIETIES TO THE PETITIONER.
- P4 - PHOTOCOPY OF GOVERNMENT ORDER G.O(RT) NO. 489/84/RD DT. 23.3.84 ISSUED TO THE PETITIONER.
- P5 - PHOTOCOPY OF COMMUNICATION DT. 16.8.58 BY THE REVENUE INSPECTOR, THRISSUR RURAL, TO THE PETITIONER VIDE R1 NO. 24/58.
- P6 - PHOTOCOPY OF RECEIPT DT. 28.8.58 ISSUED BY THE VILLAGE OFFICER, OLLUKKARA, THRISSUR TO THE PETITIONER.
- P7 - PHOTOCOPY OF POSSESSION CERTIFICATE DT. 05.3.92 ISSUED BY THE TAHSILDAR, THRISSUR TO THE PETITIONER VIDE K.DIS 5128/92/A4.
- P7(A) - PHOTOCOPY OF STATEMENT OF THE PROPERTIES LEASED OUT, REFERRED TO IN THE WRIT PETITION (CIVIL).
- P8 - PHOTOCOPY OF CORRESPONDENCE DONE ON BAHALF OF THE PETITIONER TO THE DISTRICT COLLECTOR, THRISSUR ON 11.9.93.
- P9 - PHOTOCOPY OF LETTER NO. 67920/P1/93/RD DT. 29.11.94 OF THE COMMISSIONER & SECRETARY TO GOVERNMENT TO THE DISTRICT COLLECTOR, THRISSUR.
- P10 - PHOTOCOPY OF CORRESPONDENCE VIDE NO. 67920/P1/93/RD DT. 29.11.94 BY THE COMMISSIONER AND SECRETARY TO GOVERNMENT TO THE PETITIONER.
- P11 - PHOTOCOPY OF LETTER NO. DW2/155/2000 DT. 12.4.2000 OF WILD LIFE WARDEN PEECHI. ADDRESSED TO THE CONSERVATOR OF FORESTS, PALAKKAD (WILD LIFE)
- P12 - PHOTOCOPY OF CERTIFICATE DT. 05.6.06 ISSUED BY THE GEOLOGIST, THRISSUR TO THE PETITIONER.
- P13 - PHOTOCOPY OF CERTIFICATE NO. 626/1976 ISSUED BY THE LAND TRIBUNAL THRISSUR ON 16.9.76 IN FAVOUR OF THE PETITIONER, PERTAINS TO EXTENT OF LAND 46.72 ACRES.

WP(C).No. 18001 of 2015 (A)

- P14 - PHOTOCOPY OF CERTIFICATE NO. 2049/1977 ISSUED BY THE LAND TRIBUNAL, THRISSUR ON 14.7.1977 IN FAVOUR OF THE PETITIONER PERTAINS TO THE EXTENT OF 4.36 ACRES.
- P15 - PHOTOCOPY OF CERTIFICATE NO. 899/1976 ISSUED BY THE LAND TRIBUNAL THRISSUR ON 20.4.1977 IN FAVOUR OF THE PETITIONER PERTAINS TO THE EXTENT OF 75 ½ CENTS.
- P16 - PHOTOCOPY OF CERTIFICATE NO. 892/1977 DT. 27.9.1977 ISSUED BY THE LAND TRIBUNAL THRISSUR IN FAVOUR OF THE PETITIONER PERTAINS TO THE EXTENT OF 0.76 CENTS.
- P17 - PHOTOCOPY OF REPRESENTATION DT. 25.5.15 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P18 - PHOTOCOPY OF RECEIPT F ACKNOWLEDGMENT DT. 25.5.15 ISSUED TO THE PETITIONER FROM THE OFFICE OF THE 2ND RESPONDENT VIDE NO. 33208/15.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

~~~~~

**W.P.(C).No.18001/2015**

~~~~~

Dated this the 17th Day of December, 2015

J U D G M E N T

The petitioner approached the District Collector by Exhibit P17 to assign land under the Kerala Land Assignment Act, 1960 in respect of the property referred in Ext.P9 Government Order.

2. Therefore, this Court is of the view that the District Collector shall consider the application in the light of Ext.P9 Government Order and also after issuing notice to the Forest Department. Needful shall be done within a period of three months after notice to the petitioner as well.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE