

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 18905 of 2015 (K)

PETITIONER :

**SASEENDRAN, S/O.VASAVAN,AGED 61 YEARS,
KIZHAKKUMKARA VEEDU, THOTTAKKADU DESOM
KARAVARAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN**

RESPONDENTS :

- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM-695 001.**
- 3. THE ADDITIONAL TAHSILDAR,TALUK OFFICE,
VARKALA, THIRUVANANTHAPURAM-695 141.**
- 4. THE VILLAGE OFFICER,VILLAGE OFFICE,
KARAVARAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT-695 141.**

R1 TO R4 BY GOVERNMENT PLEADER SMT. M.T. SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ORDER DATED 9.3.2012 ISSUED IN KLC 1/2006.

EXHIBIT P1(A): TRUE COPY OF THE ORDER DATED 9.3.2012 IN KLC72/2007.

EXHIBIT P1(B): TRUE COPY OF THE ORDER DATED 9.3.2012 IN KLC 80/2007.

**EXHIBIT P2: TRUE COPY OF THE ORDER DATED 30.10.2013 IN THE APPEAL
AGAINST KLC 1/2006.**

**EXHIBIT P2(A): TRUE COPY OF THE ORDER DATED 30.10.2013 ISSUED IN THE APPEAL
AGAINST KLC 72/2007**

**EXHIBIT P2(B): TRUE COPY OF THE ORDER DATED 30.10.2013 ISSUED IN THE
APPEAL AGAINST KLC 2/2011.**

**EXHIBIT P2(C): TRUE COPY OF THE ORDER DATED 30.10.2013 ISSUED IN THE
APPEAL AGAINST KLC 2/2011.**

**EXHIBIT P3: TRUE COPY OF THE ORDER DATED 30.5.2015 ISSUED BY THE 3RD
RESPONDENT**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 18905 of 2015

Dated this the 14th day of July, 2015

J U D G M E N T

Petitioner has approached this Court impugning the order passed by the Additional Tahsildar, Varkala under Section 6 of the Kerala Land Conservancy Act, 1957.

2. The impugned order is dated 30.05.2015. The said order was passed pursuant to the direction of the Revenue Divisional Officer, Thiruvananthapuram in an appeal preferred against original order passed by the Additional Tahsildar. The Revenue Divisional Officer set aside the earlier order directing the Additional Tahsildar to conduct inspection along with Mining and Geology Department and based on the evidence the liability has to be fixed. It is apparent that, no such exercise was done while Ext.P3 order was issued. In that view of the matter, Ext.P3 is set aside.

3. Considering the present nature of the order passed, it is incumbent to entrust determination of the liability upon any other officer other than the Additional Tahsildar, Varkala. This order is passed in violation of the directions of the RDO. Ext.P3 is

nothing but repetition of the original order passed by him. Therefore, the RDO is directed to entrust determination of the liability with any other Tahsildar within the jurisdiction of Thiruvananthapuram.

4. The entire exercise shall be completed within 3 months after notice to the petitioner and in the light of the earlier direction of the Revenue Divisional Officer dated 30.10.2013.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn