

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 21604 of 2013 (A)

PETITIONER(S):

1. DHARMAPALAN.N, AGED 73 YEARS
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZHATTINGAL VILLAGE, PIN 695 101
NOW RESIDING AT SURESH BHAVAN, NERIYAMANGALAM P.O
ERNAKULAM DISTRICT, PIN 686 693
2. SATHIAMMA R, AGED 62 YEARS
W/O.LATE RAVEENDRAN, KUZHUVILA VEEDU
PATLA, VANCHIYOOR P.O, ATTINGAL
THIRUVANANTHAPURAM 695 102
3. RAJANEESH N.R, AGED 29 YEARS
S/O.LATE RAVEENDRAN, KUZHUVILA VEEDU, PATLA
VANCHIYOOR P.O, ATTINGAL, THIRUVANANTHAPURAM 695 102
4. JYOTHISH N.R, AGED 24 YEARS
S/O.LATE RAVEENDRAN, KUZHUVILA VEEDU, PATLA
VANCHIYOOR P.O, ATTINGAL, THIRUVANANTHAPURAM 695 102
5. SURENDRAN.N, AGED 70 YEARS
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZHATTINGAL VILLAGE, PIN 695 101
NOW RESIDING AT DOOR NO 180, 2ND MAIN, 3RD CROSS
BALAJI LAY OUT, VIDHYARANYAPURAM P.O, BANGALORE 97
6. HAREENDRAN.N, AGED 64 YEARS
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZHATTINGAL VILLAGE, PIN 695 101
NOW RESIDING AT HARI SUBHAM, KANDAKARNAN VELY
KARITHARAM P.O, NORTH PARAVOOR, ERNAKULAM 683519
7. BHUVANENDRAN AGED 58 YEARS
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZHATTINGAL VILLAGE, PIN 695 101
NOW RESIDING AT AMBADI KALLOORKONAM, PERUNKULAM P.O
ALENCODE VIA, ATTINGAL 695 102

BY ADVS.SRI.M.R.ANISON
SMT.T.B.REMANI
SMT.K.PGEETHA MANI
SMT.V.BHARGAVI (PANANGAD)
SMT.P.A.RINUSA

RESPONDENT(S):

1. TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS COMMISSIONER, NANTHANCOD
THIRUVANANTHAPURAM 695 003
2. THE SPECIAL TAHSILDAR
TRAVANCORE DEVASWOM BOARD, NANTHANCOD
THIRUVANANTHAPURAM 690 503
3. KOYIKKAL PALLIYARAKAVU BHAGAVATHI KSHETROPADESAKA SAMITHI,
KAVALYAOOR P.O, PERUMKULAM, AMBALATHUMPANA
ALAMCODE 695102
REPRESENTED BY ITS SECRETARY
P.RAGHUVARAN PILLAI, S.O.KAMALASANAN PILLAI
AGED 53 YEARS, RAJENDRA BHAVANAM, VALAVOORKONAM, PALAMKONAM
PERUMKULAM P.O
- *4. THE REVENUE DIVISIONAL OFFICER,
KUDAPPANAKUNNU, THIRUVANANTHAPURAM 695 043

(ADDL.R4 IS IMPEADED AS PER ORDER DATED 8.11.2013 IN I.A.NO.14776 OF 2013)

BY SR.GOVERNMENT PLEADER SRI.A.RENJITH
R1,R2 BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD
R3 BY ADV. SRI.T.M.ABDUL LATHEEF

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : COPY OF THE PARTITION DEED NO.152/74 OF SRO KADAKKAVUR DTD 30.1.1974
- EXT.P2 : COPY OF THE TAX RECEIPT IN FAVOUR OF 1ST PETITIONER DTD 27.6.2005
- EXT.P3 : COPY OF THE TAX RECEIPT IN FAVOUR OF LATE RAVEENDRAN DTD 27.7.2005
- EXT.P4 : COPY OF THE TAX RECEIPT IN FAVOUR OF 5TH PETITIONER DTD 27.6.2005
- EXT.P5 : COPY OF THE TAX RECEIPT IN FAVOUR OF 6TH PETITIONER DTD 27.6.2005
- EXT.P6 : COPY OF THE TAX RECEIPT IN FAVOUR OF 7TH PETITIONER DTD 27.6.2005
- EXT.P7 : COPY OF THE TAX RECEIPT IN FAVOUR OF 1ST PETITIONER DTD 4.3.2013
- EXT.P8 : COPY OF THE TAX RECEIPT IN FAVOUR OF LATE RAVEENDRAN DTD 4.3.2013
- EXT.P9 : COPY OF THE TAX RECEIPT IN FAVOUR OF 5TH PETITIONER DTD 4.3.2013
- EXT.P10 : COPY OF THE TAX RECEIPT IN FAVOUR OF 6TH PETITIONER DTD 4.3.2013
- EXT.P11 : COPY OF THE TAX RECEIPT IN FAVOUR OF 7TH PETITIONER DTD 4.3.2013
- EXT.P12 : COPY OF PROCEEDINGS ISSUED BY THE RE-SURVEY SUPERINTENDENT, ATTINGAL DTD 13.5.2005
- EXT.P13 : COPY OF TAX RECEIPT IN FAVOUR OF LATE NARAYANAN DTD 3.5.1957
- EXT.P14 : COPY OF TAX RECEIPT IN FAVOUR OF LATE NARAYANAN'S CHILDREN DTD 18.1.2005
- EXT.P15 : COPY OF JUDGMENT DTD 3.4.2013 IN OS NO.289/2009 OF MUNSIFF COURT, ATTINGAL
- EXT.P16 : COPY OF DECREE DTD 3.4.2013 IN OS NO.289/2009 OF MUNSIFF COURT, ATTINGAL
- EXT.P17 : COPY OF JUDGMENT DTD 17.10.2012 IN W.P.(c) No.17970/2012
- EXT.P18 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DTD 1.7.2013 AGAINST 1ST PETITIONER
- EXT.P19 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DTD 1.7.2013 AGAINST LATE RAVEENDRAN
- EXT.P20 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DTD 1.7.2013 AGAINST 5TH PETITIONER
- EXT.P21 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DTD 1.7.2013 AGAINST 6TH PETITIONER
- EXT.P22 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DTD 1.7.2013 AGAINST 5TH PETITIONER

PETITIONER'S EXHIBITS:

- EXT.P23 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DTD 1.7.2013 JOINTLY AGAINST 5TH & 6TH PETITIONER
- EXT.P24 : COPY OF LETTER ISSUED BY THE 2ND RESPONDENT ADDRESSED TO THE 1ST RESPONDENT DTD 25.2.2013
- EXT.P25 : COPY OF THE APPEAL DTD 7.10.2013 FILED BEFORE THE RDO THIRUVANANTHAPURAM EXCLUDING ANNEXURES
- EXT.P26 : COPY OF THE SALE DEED NO.2211/1122 ME OF SRO KOLLAM DTD 4.12.1946
- EXT.P27 : COPY OF ENCUMBRANCE CERTIFICATE OBTAINED BY THE 7TH PETITIONER FOR THE PERIOD FROM 1946 TO 1962
- EXT.P28 : COPY OF ENCUMBRANCE CERTIFICATE OBTAINED BY THE 7TH PETITIONER FOR THE PERIOD FROM 1962 TO 2013
- EXT.P29 : COPY OF THE RELEVANT PAGES OF THANDAPER REGISTERS IN RESPECT OF THE PROPERTY

RESPONDENT'S EXHIBITS:

- EXT.R3(A) : COPY OF THE DOCUMENT NO.2211 OF 1122 DTD 28TH KUMBOM 1122 WITH READABLE COPY OF THE SAME

//TRUE COPY//

P.S. TO JUDGE

vps

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

W.P.(C) No.21604 of 2013

Dated this the 4th day of March, 2015

J U D G M E N T

P.N.Ravindran, J.

Petitioners 1, 5, 6 and 7, who are the children of late Narayanan and petitioners 2 to 4, who are the legal heirs of late Narayanan's deceased son Raveendran, have filed this writ petition mainly challenging Exts.P18 to P23 orders issued by the second respondent Special Tahsildar under the Kerala Land Conservancy Act, 1957 calling upon them to surrender possession of different parcels of land. It is not in dispute that challenging the very same order the petitioners have, after the instant writ petition was filed, filed Ext.P25 appeal memorandum dated 7.10.2013 before the Revenue Divisional Officer, Thiruvananthapuram. The said appeal is even today pending. Such being the situation, we are of the opinion that the petitioners should pursue Ext.P25 appeal instead of seeking the intervention of this Court at this stage.

In such circumstances, leaving open the contentions of both sides, we dispose of the writ petition with a direction to the Revenue Divisional Officer, Thiruvananthapuram, where Ext.P25 appeal produced along with the affidavit filed in support of I.A.No.14776 of

2013 is pending, to hear and dispose of the said appeal expeditiously and in any event within two months from the date of receipt of a copy of this judgment after affording the petitioners the Travancore Devaswom Board and the Kshethropadesaka Samithi (the third respondent in the instant writ petition) an opportunity of being heard. Until such time as orders are passed by the Revenue Divisional Officer on Ext.P25 appeal, further proceedings pursuant to Exts.P18 to P23 orders passed by the Special Tahsildar shall be kept in abeyance. The Revenue Divisional Officer shall after orders are passed on the appeal, communicate copies thereof to all the parties.

**P.N.RAVINDRAN,
(JUDGE)**

**ANIL K.NARENDRA,
(JUDGE)**

vps