

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C) .No. 23485 of 2012 (I)

PETITIONER(S) :

SANKARANARAYANA BHAT, AGED 60 YEARS,
S/O. LATE KESHAVA BHAT,
RESIDING AT KIDDOOR MALLIGA HOUSE, KIDDOOR VILLAGE,
KASARAGOD-671 321.

BY ADVS.SRI.R.SREEHARI
SRI.SACHIN VYAS

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM-695 001.

2. THE SPECIAL TAHSILDAR (LAND ASSIGNMENT) ,
KASARAGOD-671 121.

BY GOVERNMENT PLEADER SRI. T.J. MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 20-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C) NO.23485 OF 2012

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - PHOTO COPY OF PROCEEDINGS OF THE REVENUE
DIVISIONAL OFFICER, KASARAGOD DT. 7/11/1988.

EXT.P2 - PHOTO COPY OF THE PETITION FILED ON BEHALF OF
THE PETITIONER BEFORE THE SUB COLLECTOR, KASARAGOD DATED
20/8/2011.

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No.23485 of 2012-I

Dated this the 20th day of November, 2015

JUDGMENT

The grievance of the petitioner is that his father late M. Keshava Bhat had filed an application on 17/6/1966 for assignment of Kunki land having an extent of 2.60 Acres comprised in Sy.Nos.69/2, 68/4 and 67/1B of Kidoor Village and 50 cents of land in R.S.No.146/4 of Ichalampady Village. The 2nd respondent had assigned 2.60 Acres of land and rejected the request for assignment in respect of 50 cents of land. In appeal, the Appellate Authority allowed the appeal directing the 2nd respondent to consider the application with respect to the assignment of 50 cents referred above. Thereafter, the petitioner's father approached the 2nd respondent

on several occasions and he died on 17/3/2009. No order has been passed on the said application after the remand. Thereafter, the petitioner approached the 2nd respondent and also sent Ext.P2 petition to the Sub Collector, Kasaragod. But, the 2nd respondent has not passed any orders with respect to the said 50 cents of land. In the above circumstances, the petitioner fled this writ petition seeking a direction to the 2nd respondent to consider his claim with respect to 50 cents of land in R.S.No.146/4 of Ichalampady Village in Kasaragod Taluk.

2. Going by Ext.P1, it is seen that, as submitted by the petitioner, the Appellate Authority has passed Ext.P1 directing the 2nd respondent to consider his claim for assignment of 50 cents of land referred above and for that purpose, the matter was remitted back to the 2nd respondent. Now, the grievance of the petitioner is that his application for assignment of 50 cents of land has not been reconsidered so far in compliance with the direction in Ext.P1.

3. Having regard to the above grievance, the 2nd respondent is directed to comply the direction in Ext.P1 within a period of three months, after affording an opportunity of being heard, if not complied so far.

This writ petition is disposed of accordingly.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge