

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 20987 of 2014 (W)

PETITIONER :-

T.K. UNNIKRISHNAN,
S/O KRISHNAN NAMBISSAN,
AGED 63 YEARS,
TIRUMANGALATH PUSHPAKAM,
POST KADAVALLUR,
THRISSUR DISTRICT.

BY ADVS.SRI.T.KRISHNANUNNI (SR.)
SRI.VINOD RAVINDRANATH
SRI.SAJU.S.A
SRI.K.C.KIRAN
SRI.M.DEVESH

RESPONDENTS :-

1. COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
THRISSUR - 680 001.
2. THE SECRETARY,
COCHIN DEVASWOM BOARD,
THRISSUR - 680 001.
3. THE TAHSILDAR,
TALAPPILLY TALUK,
WADAKKANCHERRY,
THRISSUR DISTRICT - 680 623.

R1 & R2 BY ADVS. SRI.G.RAJAGOPAL, SC, COCHIN DEVASWOM BOARD
SRI.V.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD
R3 BY SRI.A.RENJITH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rkj

WP(C).No. 20987 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS :-

EXHIBIT P1 :- THE TRUE COPY OF THE KANAM DOCUMENT DATED 8TH
MIDHUNAM 1082 M.E.

EXHIBIT P2 :- THE TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY
THE VILLAGE OFFICER KADAVALLUR DATED 07.07.2014.

EXHIBIT P3 :- THE TRUE COPY OF THE RECEIPT ISSUED FOR PAYMENT OF
REVENUE DATED 04.07.2014.

EXHIBIT P4 :- THE TRUE COPY OF THE OFFICIAL MEMORANDUM OF IST
RESPONDENT DATED 22.07.2004.

EXHIBIT P5 :- THE TRUE COPY OF THE RECEIPT ISSUED BY THE TAHSILDAR,
THALAPPILLY DATED 21.07.2014.

RESPONDENT(S)' EXHIBITS :- NIL

rkj

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C)No.20987 of 2014

Dated this the 16th day of February, 2015

JUDGMENT

P.N.Ravindran, J.

The petitioner, who claims to be in possession of 28 Ares of land situated in Sy.Nos.776/1 and 776/2 of Kadavallur Village, Thalappilly Taluk, Thrissur District, has filed this writ petition challenging Ext.P4 memorandum dated 22.07.2014 issued by the Secretary, Cochin Devaswom Board to the Devaswom Assistant Commissioner, Thrissur and Devaswom Officer, Kadavallur with copy marked to the petitioner informing them, that as per the order of the Diwan of Cochin those have 'Kazhakam' right can only reside in the property and have no right to alienate or encumber the property. The petitioner also seeks an order directing the third respondent to dispose of the application filed by him for assignment of the aforesaid parcel of land.

2. The claim made by the petitioner is one for assignment of land under the Kerala Service Inam Lands (Vesting and Enfranchisement) Act 1981 and the Rules framed thereunder. As per Rule 3 of the Kerala Service Inam Lands (Vesting and Enfranchisement) Rules 1981, as it stood prior to 29.11.2014, an application for assignment had to be made before

30.11.2001. By G.O.(P)No.498/2014/RD dated 29.11.2014 the Government have amended Rule 3 and extended the time limit for filing an application for the assignment till 31.12.2015. As per Rule 3 of the aforesaid Rules, an application for assignment has to be filed in Form No.1. In such circumstances, we are of the opinion that the petitioner should apply in the prescribed form before the Settlement Officer appointed under the Act, namely, the Additional Tahsildar, Thalappilly Taluk.

In such circumstances, we dispose of the original petition with the direction that in the event of the petitioner filing an appropriate application in Form No.1 prescribed under Kerala Service Inam Lands (Vesting and Enfranchisement) Rules 1981 before the Settlement Officer namely, the Additional Tahsildar, Thalappilly, the said authority shall dispose of the application with notice to the petitioner and the Cochin Devaswom Board as also other persons if any interested in the land, expeditiously and in any event within an outer limit of six months from the date of submission of the application. The stand taken by the Cochin Devaswom Board in Ext.P4 memorandum will be subject to the outcome of the application.

Sd/-
P.N.RAVINDRAN
JUDGE

Sd/-
ANIL K.NARENDRA
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE