

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 20839 of 2015 (D)

PETITIONER :

**A.GOUSE MYTHEEN, AGED 68 YEARS,
KANNANKARAKONATHU VEEDU, VETTIYARA P.O.,
NAVAIKULAM VILLAGE, THIRUVANANTHAPURAM - 695603**

BY ADV. SRI.POOVAPPALLY M.RAMACHANDRAN NAIR

RESPONDENTS :

- 1. STATE OF KERALA, REPRESENTED
BY ITS SECRETARY REVENUE & DISASTER MANAGEMENT,
SECRETARIAT THIRUVANANTHAPURAM**
- 2. LAND REVENUE COMMISSIONER, OFFICE OF THE LAND REVENUE
COMMISSIONER PUBLIC OFFICE BUILDING MEASEUM P.O.,
THIRUVANANTHAPURAM - 695033.**
- 3. THE DISTRICT COLLECTOR, COLLECTORATE,
CIVIL STATION, KUDAPPANAKKUNU, THIRUVANANTHAPRUAM -695043.**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF KUTHAKPATTOM REMITTANCE RECEIPT DT 13/4/2000 FOR THE YEAR 1998-99 ABD 1999-2000 IN K.P. 778/124 OF NAVIKULAM VILLAGE.**
- P2: COPY OF THE K.P. REMITTANCE RECEIPT DT 17/1/2002 FOR THE YEAR 2000-01 & 2001-02.**
- P3: COPY OF THE K.P. REMITTANCE RECEIPT DT 4/3/2005 FOR THE YER 2002, 2003 & 2004.**
- P4: COPY OF THE K.P. REMITTANCE RECEIPT DT 18/3/2006 FOR THE 2005 IN K.P. 754, OF NAVAIKULAM VILLAGE.**
- P4(a): COPY OF THE K.P. REMITTANCE RECEIPT DT 21/12/2006 FOR THE YEAR 2006-07 OF DO DO**
- P4(b): COPY OF THE K.P. REMITTANCE RECEIPT DT 11/10/2007 FOR THE YEAR 2007-08 OF DO DO.**
- P4(c): COPY OF THE K.P. REMITTANCE RECEIPT DT 17-12-2008 FOR THE YEAR 2008-09 OF DO DO**
- P5: COPY OF THE LETTER NO. B2/26700/06 DT 19/9/2009 OF THE DY. COLLECTOR.**
- P6: COPY OF THE LETTER NO. LR. F4/7979/2010 DT 24/02/2010 OF THE ASST. COMMISSIONER (LA)**
- P7: COPY OF THE K.P. REMITTANCE RECEIPT DT 30/3/2010 FOR THE YEAR 2009-10 IN KP 754, OF NAVAIKULAM VILLAGE.**
- P8: COPY OF THE K.P. REMITTANCE RECEIPT DT 18/3/2011 FOR THE YEAR 2010-11 IN K.P. 754, OF NAVAIKULAM VILLAGE.**
- P9: COPY OF THE LETTER NO. LR(J4)35961/2012 DT 11/9/2012 OF THE ASST. COMMISSIONER (LA)**
- P10: COPY OF THE PETITION DT 27/11/2014 SUBMITTED BEFORE THE HONOURABLE CHIEF MINISTER OF KERALA, BY THE PETITIONER.**
- P11: COPY OF THE PETITION DT 8/1/2015 SUBMITTED BY THE PETITIONER BEFORE THE KERALA LAND REVENUE COMMISSIONER (ADALATH)**
- P12: COPY OF THE AFFIDAVIT DT 15/5/2015 SUBMITTED BEFORE THE THAHASIDAR, VARKALA TALUK.**
- P13: COPY OF THE LETTER NO. C2-21512/2015 DT 8/6/2015 OF THE THAHASILDAR, VARKALA TALUK**
- P14: COPY F THE PETITION DT 19/6/2015 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM WITH RECEIPT DT 19/6/2015**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P.(C) No. 20839 of 2015 (D)

Dated this the 17th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that 11.30 Ares of land which he is said to be possessed from 1980 onwards and on which 'Kuthakapatam' was also being paid continuously, is not assigned to him.

2. The petitioner had sought for assignment of the land which was declined by Ext.P13. Ext.P13 was issued on the ground that the petitioner's annual income is Rs.1,91,940/-, which is above the limit of Rs.75,000/-. The petitioner, however, submits that he belongs to the lower strata of society and is engaged as a Part-Time Sweeper in a Sub Court and the petitioner's impecunious circumstances warrant such assignment.

3. There is a representation given before the District Collector, as evidenced at Ext.P14. The learned Government Pleader also submits that Ext.P13 is an

appeallable order and the appeal is provided to the R.D.O. under Rule 21 of the Kerala Land Assignment Act, 1960 and Rules.

4. The petitioner shall hence, approach the concerned R.D.O. with a certified copy of this judgment and file a proper appeal and the same shall be taken to the files of the R.D.O. and considered in accordance with law as expeditiously as possible.

Writ Petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE