

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C) .No. 21337 of 2015 (N)

PETITIONER(S) :

P.RANJITH,
AGED 57 YEARS, S/O.K.NARAYANAKURUP (LATE),
PADATHUCHALIL HOUSE,
KIZHISSEERI, KUZHIMANNA P.O., MALAPPURAM DISTRICT.

BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI.

RESPONDENT(S) :

1. DISTRICT COLLECTOR,
MALAPPURAM,
CIVIL STATION P.O., UP HILL, MALAPPURAM,
PIN-676 505.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.

BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 : TRUE COPY OF THE DEED OF ASSIGNMENT EXECUTED BY THE FIRST RESPONDENT
IN FAVOUR OF THE PETITIONER.

EXT.P2 : TRUE COPY OF THE APPLICATION DATED 11-2-2015 SUBMITTED BY THE
PETITIONER TO THE FIRST RESPONDENT.

EXT.P3 : TRUE COPY OF THE ORDER DATED 23-5-2015 PASSED BY THE FIRST
RESPONDENT.

EXT.P4 : TRUE COPY OF THE INFORMATION FURNISHED BY THE PUBLIC INFORMATION
OFFICER, LAND BOARD, THIRUVANANTHAPURAM.

EXT.P5 : TRUE COPY OF THE REPRESENTATION DATED 26-5-2015 SUBMITTED BY THE
PETITIONER TO THE FIRST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. Vinod Chandran, J

W.P.(C).No.21337 of 2015-N

Dated this the 12th day of August, 2015.

JUDGMENT

The petitioner is aggrieved with Exhibit P3 order passed by the District Collector.

2. The brief facts to be noticed are that, the petitioner had been assigned 9 cents of land as per Exhibit P1 under Section 96 of the Kerala Land Reforms Act, 1960 [for brevity “the Act”]. The assignment at Exhibit P1 was made on June, 1994. As per Rule 29 of the Kerala Land Reforms (Ceiling) Rules, 1970 [for brevity “the Ceiling Rules”], specifically by sub-rule (1), there is an interdiction insofar as alienation is concerned of such land for a period of twenty years. The petitioner not being aware of the said fact, made an application for alienation of the land showing the reason that the land assigned is not conducive for constructing a residential building.

3. The District Collector, by Exhibit P3, on an inspection found that the land is conducive for residential purposes and declined the application. The same has also

been communicated to the Village Officer and the Sub Registrar's Office, thus interdicting the sale of the property.

3. Going by the specific provision in Rule 29(1) of the Ceiling Rules, the interdiction of an alienation can only be for a period of twenty years. Even at the time of filing of Exhibit P2 the petitioner did not require a sanction, since the twenty year period expired on June, 2014. In such circumstance, Exhibit P3 is liable to be set aside. I do so. The petitioner shall be entitled to alienate the property.

Writ petition allowed.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]