

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 22484 of 2015 (I)

PETITIONER :

**VINODKUMAR C.,
AGED 47 YEARS, S/O. K.P. MSWANATHA MENON
RESIDING AT KRISHNASREE, MOOLAYIL LANE
SASTHAMANGALAM, THIRUVANANTHAPURAM
PIN – 695 010.**

**BY ADVS.SRI.S.SUBHASH CHAND
SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD
SMT.S.USHAKUMARI**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
REVENUE (F) DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN – 695 001.**
- 2. LAND REVENUE COMMISSIONER
BOARD OF REVENUE, THIRUVANANTHAPURAM
PIN – 695 001.**
- 3. THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM, PIN – 695 001.**
- 4. THE REVENUE DIVISIONAL OFFICER
THIRUVANANTHAPURAM, PIN – 695 001.**
- 5. THE TAHSILDAR
MINI CIVIL STATION, NEDUMANGAD
THIRUVANANTHAPURAM, PIN – 695 541.**
- 6. THE ADDITIONAL TAHSILDAR
MINI CIVIL STATION, NEDUMANGAD
THIRUVANANTHAPURAM, PIN – 695 541.**

7. THE VILLAGE OFFICER
MANIKKAL VILLAGE OFFICE
PIRAPPANCODE P.O., THIRUVANANTHAPURAM,
PIN – 695 607.
8. MANIKKAL GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, PIRAPPANCODE P.O.,
THIRUVANANTHAPURAM, PIN – 695 607.
9. B.S. JAYAKUMARI
AGED 42 YEARS, W/O. K.R. MURALEEDHARAN
ARAVINDAM, PIRAPPANCODE P.O.,
NEDUMANGAD, THIRUVANANTHAPURAM
PIN – 695 607.

R1 TO R7 BY GOVT. PLEADER SRI. V.K. RAFEEK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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...3/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF SALE DEED NO. 839/2007 DATED 28.3.2007 OF S.R.O.,
KANIYAKULANGARA ALONG WITH SITE PLAN.
- EXT.P2 COPY OF THE LAND TAX RECEIPT DATED 16.4.2014 OF THE VILLAGE
OFFICE, MANIKKAL.
- EXT.P3 COPY OF NOTICE NO. K2-24288/13 DATED 5.5.2015 ISSUED BY THE
6TH RESPONDENT TO THE PETITIONER UNDER SECTION 12 (FORM B)
OF THE LAND CONSERVANCY ACT.
- EXT.P4 COPY OF JUDGMENT DATED 15.1.2015 IN WP(C) NO. 1504/2015 (K) OF
THIS HON'BLE COURT.
- EXT.P5 COPY OF THE ORDER NO. K2-24288/13 DATED 15.6.2015 ISSUED BY
THE 6TH RESPONDENT TO THE PETITIONER UNDER RULE 13A
(FORM CC) OF THE LAND CONSERVANCY RULES.
- EXT.P6 COPY OF ORDER NO. 38042/F1/2015/REVENUE DATED 19.6.2015
ISSUED BY THE 1ST RESPONDENT.
- EXT.P7 COPY OF ORDER NO. 38042/F1/2015/REVENUE DATED 20.7.2015
ISSUED BY THE 1ST RESPONDENT.
- EXT.P8 COPY OF OLD SURVEY PLAN.
- EXT.P9 COPY OF RE-SURVEY PLAN.
- EXT.P10 COPY OF APPEAL DATED 22.7.2015 FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

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W.P.(C) No.22484 of 2015 - I

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Dated this the 24th day of July, 2015

J U D G M E N T

The petitioner had in fact filed an appeal before the wrong authority and though a stay was granted the same was dismissed for lack of jurisdiction. Now the petitioner has filed a proper appeal before the R.D.O as indicated in Ext.P10. The appeal is seen filed on 22.07.2015.

2. In such circumstance, the 4th respondent will have to look at Ext.P10 appeal, however looking at the pendency of such appeals before it, taking up for disposal those appeals filed earlier in point of time first. Since there was an earlier interim order passed, there shall be an interim direction not to evict the petitioner till the appeal is considered.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //
P. A to Judge.