

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 23336 of 2015 (N)

PETITIONER(S):

**DR.YASSIR MOIDEEN ABDULLA,
AGED 34 YEARS, S/O.P.A. MOIDU HAJI,
RESIDING OPPOSITE ANAND SHETTY CIRCLE,
ATHAWAR, MANGALORE.**

**BY SRI.T.SETHUMADHAVAN, SENIOR ADVOCATE.
ADVS. SRI.PUSHPARAJAN KODOTH,
SRI.K.JAYESH MOHANKUMAR,
SMT.VANDANA MENON.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 2. THE COMMISSIONER OF LAND REVENUE,
PUBLIC OFFICE BUILDING, MUSEUM JUNCTION,
THIRUVANANTHAPURAM- 695 001.**
- 3. THE SUB COLLECTOR,
KASARAGOD AT KANHANGAD-671 121.**
- 4. THE REVENUE DIVISIONAL OFFICER,
KASARAGOD-671 121.**

BY GOVT. PLEADER SRI.T. RAMPRASAD UNNI.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF THE ORDER PASSED BY 3RD RESPONDENT IN
REF.NO.G-645/2007 DATED 02.04.2012.
- EXHIBIT P2. COPY OF THE ORDER PASSED BY THE 4TH RESPONDENT
DATED 21.04.2007.
- EXHIBIT P3. COPY OF THE REPORT SUBMITTED BY THE AGRICULTURAL
OFFICER, PALLIKKARE TO THE 4TH RESPONDENT DATED 14.03.2007.
- EXHIBIT P4. COPY OF THE ORDER DATED 28.05.2015 ISSUED BY THE
2ND RESPONDENT.
- EXHIBIT P5. COPY OF THE PHOTOGRAPHS SHOWING HOUSES ON ALL THE
FOUR SIDES OF THE PETITIONER'S PROPERTY.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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W.P.(C) No.23336 of 2015 - N

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Dated this the 3rd day of August, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P4 order passed by the Commissioner of Land Revenue, the 2nd respondent herein, remanding the issue to the Revenue Divisional Officer (R.D.O), but, however, vacating the stay, granted on the earlier order passed for resumption. The petitioner is in possession of 2.18 acres of lands, but however the proceedings initiated as per Ext.P1 is with respect to 90 cents of which 64 cents belongs to the petitioner and 26 cents belongs to one Hamsa and Suhra. The petitioner contends that the petitioner's land is one which has been converted 25 years back and it is not a paddy land, which is included in the data bank.

2. In any event, the matter has been remanded to the R.D.O. In such circumstance, there shall be a 'status quo'

maintained and there shall be a modification to that extent in Ext.P4 order. The R.D.O could also verify the data bank for the area and the petitioner also could take appropriate proceedings under the Kerala Land Utilisation Order, 1967. It is made clear that while the matter is pending before the R.D.O, no proceedings for resumption shall be taken.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.