IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24837 of 2015 (D)

PETITIONER(S):

1. **T.GEORGE KUTTY AGED 49 YEARS**
   S/O THOMAS, ALUVILA RAJU SADANAM

BY ADVS.SRI.B.SURESH KUMAR
SMT.C.B.ANUROOPA

RESPONDENT(S):

1. **STATE OF KERALA**
   REPRESENTED BY ITS SECRETARY TO THE
   REVENUE DEPARTMENT
   GOVERNMENT SECRETARIAT, FORT PO
   THIRUVANANTHAPURAM - 695 001

2. **THE LAND REVENUE COMMISSIONER**
   COMMISSIONRATE OF LAND REVENUE
   MUSEUM JUNCTION,
   THIRUVANANTHAPURAM - 695 023

3. **THE DISTRICT COLLECTOR**
   KOLLAM, CIVIL STATION PO,
   KOLLAM - 691 013

4. **THE REVENUE DIVISIONAL OFFICER**
   KOLLAM, CIVIL STATION PO
   KOLLAM - 691 013

5. **THE TAHSILDAR, TALUK OFFICE**
   KOTTARAKKARA, KOTTARAKKARA PO,
   KOLLAM 691 506

6. **THE VILLAGE OFFICER, ODANAVATTOM,**
   ODANAVATTOM PO, KOLLAM - 691 512

BY SRI C.K.SHERIN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO.24837/2015

APPENDIX

PETITIONER'S EXHIBITS:

P1: COPY OF THE SALE DEED NO.1880/1962 DATED 20.03.1962 OF SUB-REGISTRAR'S OFFICE, POOYAPPALLY

P2: COPY OF THE TAX RECEIPT DATED 21.01.1995 ISSUED BY THE VILLAGE OFFICER, ODANAVATTOM

P3: COPY OF THE SETTLEMENT DEED DATED 14.09.2009 EXECUTED BY G. THOMAS IN FAVOUR OF THE PETITIONER

P4: COPY OF THE REPORT DATED 07.01.2012 SUBMITTED BY THE VILLAGE OFFICER, ODANAVATTOM BEFORE THE TALUK OFFICE

P5: COPY OF THE COMMUNICATION DATED 20.01.2012 ISSUED TO THE PETITIONER BY THE TAHSILDAR, KOTTARAKKARA

P6: COPY OF THE NOTICE LC NO.100/2012 DATED NIL ISSUED TO THE PETITIONER AND HIS FATHER BY THE ADDITIONAL TAHSILDAR, KOTTARAKKARA

P7: COPY OF THE NOTICE LC NO.101/2012 DATED NIL ISSUED TO G. CHERIAN BY THE ADDITIONAL TAHSILDAR, KOTTARAKKARA

P8: COPY OF THE REVENUE RECOVERY NOTICE DATED 16.01.1993 DEMANDING BUILDING TAX FROM TEH FATHER OF THE PETITIONER FOR THE PERIOD 1992-93

P9: COPY OF THE BUILDING TAX RECEIPT DATED 26.03.1993 FOR THE PERIOD 1992-93 ISSUED TO THE FATHER OF THE PETITIONER BY VELIYAM GRAMA PANCHAYAT

P10: COPY OF THE STATEMENT DATED 28.05.2012 ISSUED TO THE FATHER OF THE PETITIONER BY THE VELIYAM GRAMA PANCHAYAT

P11: COPIES OF HTE PHOTOGRAPHS OF HTE ROAD TOUCHING THE PROPERTY COVERED BY THE NOTICES ISSSUED UNDER THE LAND CONSERVANCY ACT

P12: COPY OF THE ASSIGNMENT APPLICATION DATED 30.06.2012 SUBMITTED BY THE PETITIONER BEFORE TEH REVENUE DIVISIONAL OFFICER, KOLLAM

P13: COPY OF HTE APPEAL MEMORANDUM DATED 09.7.2012 SUBMITTED BY THE G.THOMAS BEFORE THE REVENUE DIVISIONAL OFFICER, KOLLAM

P14: COPY OF THE JUDGMENT IN WPC NO.16816/2012 DATED 19.07.2012 PASSED BY THIS HONOURABLE COURT

P15: COPY OF THE ORDER DATED 10.07.2015 PASSED BY THE REVENUE DIVISIONAL OFFICER, KOLLAM

P16: COPY OF THE MEMORANDUM OF REVISION DATED 01.08.2015 SUBMITTED BY THE PETITIONER BEFORE THE LAND REVENUE COMMISSIONER, THIRUVANANTHAPURAM

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.24837 of 2015

Dated this the 17th day of August, 2015

JUDGMENT

The petitioner has filed this writ petition seeking a writ of certiorari to quash Ext.P15 order and directing the 2nd respondent to consider Ext.P16 revision filed under Rule 21(8) of the Kerala Land Assignment Rules, 1964 and till such time, not to dispossess him from the property in question, namely 01.20 Ares of land in Block No.30, Re-Survey No.32/21 of Odanavattom Village.

2. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

3. It is aggrieved by Ext.P15 order passed by the 4th respondent, the petitioner has filed Ext.P16 statutory revision under Rule 21(8) of the Kerala Land Assignment Rules, 1964 before the 2nd respondent, the Land Revenue Commissioner. Since the aforesaid revision is pending consideration before the 2nd respondent, I deem it appropriate to dispose of this writ

petition, without going into the merits of the contentions raised by the petitioner.

In the result, this writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P16, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner. Till such a decision is taken, the petitioner shall not be dispossessed from the property in question on the strength of Ext.P15.

The Writ Petition is disposed of as above.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV