

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 29090 of 2009 (E)

PETITIONER(S):

**THE TAHSILDAR, THALASSERY,
KANNUR.**

BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU

RESPONDENT(S):

- 1. KERALA LOK AYUKTHA,
THIRUVANANTHAPURAM.**
- 2. PUTHIYAPURAYIL AMERI YOUSUF,
PERIYATHIL, P.O.P.R.NAGAR, MATTANNUR,
THALASSERY, KANNUR.**

**R1 BY ADV. SMT.RENU D.P., SC
R2 BY ADV. SRI.GRASHIOUS KURIAKOSE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 29090 of 2009 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF COMPLAINT NO.1059/2008 OF THE LOK AYUKTHA,
THIRUVANANTHAPURAM.**

EXT.P2: TRUE COPY OF THE ORDER OF THE TALUK LAND BOARD DTD.20.5.2006.

EXT.P3(a): TRUE COPY OF THE INTERIM ORDER DTD.14.1.2008 IN WP(C) 185/2008.

EXT.P3(b): TRUE COPY OF THE INTERIM ORDER DTD.13.2.2008 IN WP(C) 185/2008.

EXT.P4: TRUE COPY OF THE ORDDER OF THE UPA LOK AYUKTHA DTD.21.4.2009.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

C.K. ABDUL REHIM, J.

W.P.(C)No.29090 of 2009

Dated this the 18th day of February, 2015

JUDGMENT

The Tahsildar, Thalassery Taluk, who is the respondent in Ext.P4 proceedings before the 1st respondent, had filed this writ petition challenging Ext.P4 order.

2. The 2nd respondent herein had approached the 1st respondent in a complaint alleging that the petitioner is not re-conveying the land belonging to the 2nd respondent and another person, despite Ext.P2 order passed by the Taluk Land Board, Thalassery on 20/05/2006. The petitioner herein entered appearance before the 1st respondent and contended that, against Ext.P2 order the declarant in the ceiling case had approached this court in a writ petition, filed as W.P(C) No.185/2008 and this court through Exts.P3(a) and P3(b) orders had stayed all further proceedings pursuant to Ext.P2 order of the Taluk Land Board. But the 1st respondent found that an interim stay

alone was granted and order of the Land Board was not suspended as prayed for in the writ petition. Therefore, it is observed that it is not necessary to wait till the authorities taking over possession of substitute property from the declarant, for reconveying the property to the complainant on the basis of Ext.P2 order.

3. Contention of the petitioner is that, by virtue of the interim orders this court had stayed all steps to take possession of the properties from the petitioner therein, and therefore no further action could have been pursued. But, the observation contained in Ext.P4 order of the 1st respondent is to the effect that recovery of possession of the property from the declarant (petitioner in W.P(C) No.185/2008) need not be considered as a pre condition for reconveying the property to the complainant and to his co-owner.

4. The stand taken in Ext.P4 order is technically correct and appreciable. However, this court had already disposed of W.P(C)No.185/2008 through a separate judgment passed on today. It is submitted by learned

Standing Counsel appearing for the 1st respondent that the matter is still pending consideration before the 1st respondent. It is for the 1st respondent to take an appropriate decision with respect to further proceedings in the matter, taking note of the judgment in W.P(C) No.185/2008. The parties to the complaint will be at liberty to take appropriate contentions before the 1st respondent.

The writ petition is disposed of subject to the above observations.

Sd/- **C.K. ABDUL REHIM**
JUDGE

MJL