

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 26372 of 2015 (V)

PETITIONER:

**DAVIS P.O., AGED 65,
S/O.PANTHALLUKARAN OUSEPH,
P.O.KOVAKATUKUNNU, MELOOR,
THRISSUR-680311.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVT.,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR-680001.**
- 3. THE ADDL.TAHSILDAR,
MUKUNDAPURAM TALUK OFFICE, IRINJALAKUDA,
THRISSUR DISTRICT-680121.**
- 4. THE VILLAGE OFFICER,
MELOOR VILLAGE OFFICE, THRISSUR DISTRICT-680001.**

BY GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

EXT. P1 : A TRUE COPY OF THE COMMUNICATION OF THE THIRD RESPONDENT
 DATED 7.8.2015.

EXT. P2 : A TRUE COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT
 DATED 21.10.2013.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26372 of 2015

Dated this the 1st day of September, 2015

JUDGMENT

The petitioner submits that an order has been passed by the Additional Tahsildar under the Land Conservancy Act ordering eviction of the petitioner. This order is dated 21.10.2013. The petitioner also submits that he was not served with copy of the order. It is further submitted that he obtained Ext.P2 order under the Right to Information Act.

2. This Court is of the view that the petitioner is at liberty to challenge Ext.P2 order. If the petitioner has not served with copy of Ext.P2 order within the time, necessarily, the delay involved in the matter shall be condoned. Therefore, following directions are issued:

- i. The petitioner shall prefer an appeal against Ext.P2 order before the Revenue Divisional Officer of the competent jurisdiction within two weeks from the date of receipt of a copy of this judgment.

- ii. The Revenue Divisional Officer is directed to dispose the appeal within a further period of three months after issuing notice to the petitioner.
- iii. Till the decision is taken by the Revenue Divisional Officer, *status quo* as on today shall be maintained.
- iv. If Ext.P2 order has been served on the petitioner within the time, necessarily, he has to file an application for condonation of delay before the Revenue Divisional Officer and further decision in this matter would depend upon the disposal of the delay condonation application.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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