

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 28071 of 2015 (H)

PETITIONER(S):

KUNHAYISA, D/O.KARUMPOYIL PATHUMMA,
AGED 87 YEARS, RESIDING AT MARUTHOLI HOUSE,
MANDHANKAVU, NADUVANNUR, KOZHIKODE.

BY ADVS.SRI.V.V.SURENDRAN,
SRI.P.A.HARISH.

RESPONDENT(S):

1. THE APPELLATE AUTHORITY (LR),
CIVIL STATION, KANNUR-670 001.
2. LAND TRIBUNAL, PERAMBRA,
KOZHIKODE-673 525.
3. AMMAD, S/O.KADEESA,
RESIDING AT METHALE THARATHIL HOUSE,
P.O. KAVIL, NADUVANNUR, KOZHIKODE-673 614.
4. DR.UMMER, S/O.KADEESA,
RESIDING AT CHILLA, P.O. MEPPAYUR,
KOZHIKODE-673 524.
5. AYISHA, D/O.KADEESA,
RESIDING AT MANALIL HOUSE,
P.O. MEPPAYUR, KOZHIKODE-673 524.
6. ABDULLA, S/O.KADEESA,
RESIDING AT MEETHALE CHERATHAL,
P.O.AREEKULAM, KOZHIKODE-673 322.
7. P. KOMAN NAIR, PADIKKAL HOUSE,
P.O. MEPPAYUR, KOZHIKODE-673 524.

R1 & R2 BY GOVT. PLEADER SMT.C.K. SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-09-2015, ALONG WITH WP(C).NO.28093 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PURCHASE CERTIFICATE 1287/1975 OBTAINED
PURSUANT TO SMC 1012/1973 WHICH WAS PRODUCED IN
O.S.187/13.
- EXT.P2 COPY OF THE MEMORANDUM OF APPEAL FILED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P3 COPY OF THE AFFIDAVIT FILED ALONG WITH THE APPLICATION
TO CONDONE THE DELAY.
- EXT.P4 COPY OF THE RELEVANT PAGE OF THE MEMORANDUM OF
APPEAL RETURNING THE MEMO OF APPEAL FOR NON-PRODUCTION
OF THE CERTIFIED COPY.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C)Nos.28071 and 28093 of 2015

Dated this the 16th day of September, 2015.

J U D G M E N T

The petitioner in this writ petition has approached the appellate authority by filing an appeal under the Land Reforms Act, challenging the order passed by the Land Tribunal for issuance of 'patta'.

2. It is submitted by the learned counsel for the respondents that the petitioner filed the appeal without the certified copy of the order of the Land Tribunal.

3. According to the petitioner, the files from the Land Tribunal are missing and they are unable to get the certified copy of the order.

4. This Court is of the view that, in such circumstance, the appeal filed by the petitioner cannot be rejected for want of certified copy of the order. The appellate authority shall verify whether the files are missing and call for the proceedings relating to the issuance of 'patta'. If the files

are missing, the appeal filed by the petitioner shall be disposed of with the available records, without insisting for the production of certified copy of the order. Therefore, the appellate authority is directed to receive and consider the appeal and dispose of the same in the light of the above observation.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge