

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 29895 of 2015 (J)

PETITIONER(S) :

- 1. SHAMSUDEEN, AGED 49 YEARS,
S/O.ABDUL KUNJU, KODACKADU HOUSE, MYLOOR KARA,
VARAPETTY VILLAGE, KOTHAMANGALAM, ERNAKULAM DISTRICT.**
- 2. RAHIYANATH, AGED 48 YEARS,
W/O.SHAMSUDEEN, KODACKADU HOUSE, MYLOOR KARA,
VARAPETTY VILLAGE, KOTHAMANGALAM, ERNAKULAM DISTRICT.**

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
STATE SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE LAND REVENUE COMMISSIONER,
DEPARTMENT OF REVENUE, STATE SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT COLLECTOR, ERNAKULAM,
CIVIL STATION, KAKKANAD, ERNAKULAM-682 030.**
- 4. REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, PIN-686 661.**
- 5. TAHSILDAR,
KOTHAMANGALAM TALUK, KOTHAMANGALAM-686 691.**
- 6. VILLAGE OFFICER,
VARAPETTY VILLAGE, KOTHAMANGALAM-686 691.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 : TRUE COPY OF THE ORDER DATED 10-09-2013 OF THE 4TH RESPONDENT.**
- P2 : TRUE COPY OF THE ORDER DATED 17-06-2013 OF THE 4TH RESPONDENT.**
- P3 : TRUE EXTRACT OF THE THANDAPPER NO.584 OF VARAPPETTY VILLAGE.**
- P4 : TRUE EXTRACT OF THE THANDAPPER NO.1373 OF VARAPPETTY VILLAGE.**
- P5 : TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.**
- P6 : TRUE COPY OF THE REPORT DATED 30-01-2013 OF THE 5TH RESPONDENT.**
- P7 : TRUE COPY OF THE ORDER DATED 23-09-2013 OF THE 3RD RESPONDENT.**
- P8 : TRUE COPY OF THE ORDER DATED 24-12-2013 OF THE 3RD RESPONDENT.**
- P9 : TRUE COPY OF THE ORDER DATED 10-03-2014 OF THE 3RD RESPONDENT.**
- P10 : TRUE COPY OF THE REVISION PETITION DATED 08-04-2014.**
- P11 : TRUE COPY OF THE JUDGMENT DATED 10-06-2014 IN W.P.(C).NO.14619/2014.**
- P12 : TRUE COPY OF THE ORDER NO.LRB-15377/14 DATED 19-08-2014 OF THE 2ND RESPONDENT.**
- P13 : TRUE COPY OF THE ORDER DATED 18-11-2014 OF THE 4TH RESPONDENT.**
- P14 : TRUE COPY OF THE JUDGMENT DATED 30-03-2015 IN W.P.(C).NO.3930/2015.**
- P15 : TRUE COPY OF THE ORDER DATED 15-07-2015 IN R.P.NO.630/2015 OF THE HON'BLE HIGH COURT.**
- P16 : TRUE COPY OF THE LEGAL OPINION DATED 29-06-2015.**
- P17 : TRUE COPY OF THE ORDER DATED 15-07-2015 OF THE 5TH RESPONDENT.**

WP(C).No. 29895 of 2015 (J)

**P18 : TRUE COPY OF THE REVISION PETITION DATED 08-04-2015 FILED BY
THE PETITIONER.**

**P19 : TRUE COPY OF THE LETTER DATED 03-09-2015 OF
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 29895 of 2015

Dated this the 1st day of October, 2015

J U D G M E N T

Petitioner approached this Court challenging Exts.P17 and P19 order.

2. In fact, originally the Tahsildar effected the transfer of registry. Thereafter, the Revenue Divisional Officer, suo motu, cancelled on the basis of anonymous complaint. Thereafter, the petitioner approached the District Collector in appeal and the Land Revenue Commissioner in revision. As per Ext.P12 order, the Land Revenue Commissioner remitted back to R.D.O to take a decision. The Tahsildar, thereafter, issued the present order Ext.P17. Petitioner impugned the order before the second respondent/the Land Revenue Commissioner by Ext.P18 revision petition under the Transfer of Registry Rules. The Land Revenue Commissioner, by Ext.P19, held that the petitioner has to prefer an appeal before the

R.D.O. and he cannot directly approach the Land Revenue Commissioner. Petitioner, challenging this order, approached before this Court.

3. The case of the petitioner is that since the Land Revenue Commissioner has remitted the matter to the R.D.O, the R.D.O. in turn remitted to the Tahsildar, the petitioner has every right to approach the Land Revenue Commissioner by way of suo Motu revision under the Transfer of Registry Rules.

4. This Court is of the view that the petitioner, as a matter of right, cannot go for revision. The petitioner, as per rules, has to approach the R.D.O. as against the order of the Tahsildar. Therefore, I find no infirmity in Ext.P19 order. If the petitioner files an appeal before the R.D.O. within two weeks from the date of receipt of a copy of this judgment, the appeal shall be considered by the R.D.O. after notice to the petitioner within a further period of two months thereafter.

WP(C).NO.29895 OF 2015

: -3- :

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO.29895 OF 2015

:-4-: