

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 30986 of 2015 (W)

PETITIONER:

SARASWATHY S.K.,
W/O. GANGADHARAN, AGED 51 YEARS, KOTTAYIL HOUSE,
MULAMKUNNATHUKAVU P.O., KILLANNUR VILLAGE,
THRISSUR TALUK, THRISSUR DISTRICT-680 596.

BY ADVS.SRI.SHOBY K.FRANCIS
SRI.ALEX N.MATHEW (KOLLAM)
SMT.MISHAL M.DASAN

RESPONDENTS:

1. DISTRICT COLLECTOR,
COLLECTORATE, THRISSUR DISTRICT-680 003.
2. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE RDO, AYYANTHOLE P.O.,
THRISSUR-680 003.
3. SPECIAL THAHASILDAR,
COCHIN DEVASWOM BOARD, DEVASWOM BOARD BUILDING,
THRISSUR-680 020.

***ADDL.R4 IMPEADED**

*Addl.R4. COCHIN DEVASWOM BOARD,
REP. BY ITS SECRETARY,
COCHIN DEVASWOM BOARD BUILDING,
ROUND NORTH, THRISSUR-680 001.

*ADDITIONAL R4 IMPEADED AS PER ORDER DATED 28.10.2015 IN
I.A.NO.15569/2015

R1 TO R3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R4 BY ADV. SRI.G.RAJAGOPAL, SC, COCHIN DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 30986 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE SETTLEMENT DEED NO. 8679/1995
DATED 7-12-1996.
- EXHIBIT P2- TRUE COPY OF THE JUDGMENT IN OS NO. 3409/2002 DATED 24-6-2004
OF 3RD ADDL. MUNSIF COURT, THRISSUR.
- EXHIBIT P3- TRUE COPY OF THE EP NO. 69/2012 DATED 5-1-2012 FILED BEFORE
THE MUNSIF COURT, THRISSUR.
- EXHIBIT P4- TRUE COPY OF THE ORDER DATED 23-5-2015 ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER IN ORDER NO. A.51/2006.
- EXHIBIT P5- TRUE COPY OF THE APPEAL NO. A3-7417/2015 DATED 3-6-2015 FILED
BEFORE THE 2ND RESPONDENT.
- EXHIBIT P6- TRUE COPY OF THE ORDER DATED 9-6-2015 PASSED BY THE 2ND
RESPONDENT.
- EXHIBIT P7- TRUE COPY OF THE FRESH EP NO. 1537/2015 IN OS NO. 3409/2002
DATED 7-7-2015 FILED BEFORE THE 3RD ADDL. MUNSIF COURT,
THRISSUR.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A. TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 30986 of 2015

Dated this the 3rd day of December, 2015

J U D G M E N T

The petitioner has approached the Revenue Divisional Officer, Trichur in appeal under Section 16 of the Kerala Land Conservancy Act challenging Ext.P4 order issued by the Special Tahsildar, Cochin Devaswom Board. The petitioner submits that the present officer, Sri.P.Mohanan was once the Special Tahsildar of Cochin Devaswom Board, when Ext.P4 order was passed. According to the petitioner, since Mohanan has been promoted as Revenue Divisional Officer subsequently, he cannot hear the appeal.

2. The learned Government Pleader submits that Sri.Mohanan has been transferred and a new person has been posted in his place.

3. In such circumstances, this Court is of the view that there is no impediment in hearing Ext.P5 by appeal by another competent officer. In that view of the matter, there shall be a direction to the Revenue Divisional Officer, Thrissur to dispose of Ext.P5 appeal within a period of three months from the date of

receipt of a copy of this judgment after hearing the petitioner.

Till a decision is taken status quo shall be maintained.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/