

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 31190 of 2015 (W)

PETITIONER(S):

- 1. V.A.THOMAS, AGED 78 YEARS, S/O.V.N.ABRAHAM,
THOTTUNKAL HOUSE, VADASSERIKKARA P.O.,
RANNI, PATHANAMTHITTA.**
- 2. SUSAN THOMAS, D/O V.A THOMAS, THOTTUNKAL HOUSE,
VADASSERIKKARA P.O., RANNI, PATHANAMTHITTA,
NOW RESIDING AT KUNDARAYIL HOUSE,
CHITTAR P.O, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.M.T.SURESHKUMAR
SRI.S.SANAL KUMAR
SMT.SMITHA PHILIPOSE
SMT.BHAVANA VELAYUDHAN**

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
VADASSERIKKARA VILLAGE, RANNI TALUK,
PATHANAMTHITTA DISTRICT- 689 645**
- 2. THAHASILDAR, RANNI TALUK,
PATHANAMTHITTA DISTRICT- 689 645**
- 3. DISTRICT COLLECTOR,
COLLECTORATE, PATHNAMTHITTA-689 645**
- 4. STATE OF KERALA,
REPRESENTED BY THE PRINCIPLE SECRETARY,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001**
- 5. CHANDRIKA DEVI, CHARIVUKALAYIL, VADASSERIKKARA P.O,
VADASSERIKKARA P.O., VADASSERIKKARA VILLAGE, RANNI TALUK,
PATHANAMTHITTA DISTRICT-689 645**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.P.P.PADMALAYAN
R5 BY ADV. SRI.S.SREEDEV**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE PARTITION DEED NO.895/73 OF THE RANNI SRO DT. 17/4/1973
- EXT.P2: A TRUE COPY OF THE RECEIPTS OF THE ADJACENT PROPERTIES DT. 7/11/09 AND 4/11/09
- EXT.P3: A TRUE COPY OF THE BUILDING TAX RECEIPT ISSUED BY THE GRAMA PANCHAYATH DT. 5/5/11
- EXT.P4: A TRUE COPY OF THE IDENTITY CARD OF THE 1ST PETITIONER DT. 25/5/15
- EXT.P5: A TRUE COPY OF THE REPRESENTATION DT. 2/2/2000 SUBMITTED TO THE REVENUE MINISTER
- EXT.P6: A TRUE COPY OF THE COVERING LETTER ISSUED BY THE MLA DT. 2/2/2000
- EXT.P7: A TRUE COPY OF THE REPLY ISSUED BY THE OFFICE OF THE MINISTER OF REVENUE DT. 3/2/2000
- EXT.P8: A TRUE COPY OF THE INTIMATION DT. 17/2/2000 ISSUED BY THE SPECIAL SECRETARY
- EXT.P9: A TRUE COPY OF THE APPLICATION DT. 16/6/12 BEFORE THE MINISTER OF REVENUE BY THE SON OF THE PETITIONER
- EXT.P10: A TRUE COPY OF THE APPLICATION DT. 18/12/14 SUBMITTED BY THE 2ND RESPONDENT UNDER RULE II(8) AND R. 16(1) OF THE LAND ASSIGNMENT RULES
- EXT.P11: A TRUE COPY OF THE MAHAZER DT. NIL
- EXT.P12: A TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER, PREPARED AFTER CONDUCTING ENQUIRY AND PREPARATION OF MAHAZER, GIVEN TO THE 2ND RESPONDENT 8/3/11
- EXT.P13: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER
- EXT.P14: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 31190 of 2015

Dated this the 16th day of November, 2015

JUDGMENT

The petitioners approached 2nd respondent–The Tahsildar for assignment of land. The 1st petitioner claims that the land referred in the application, is in possession for the last 100 years.

2. The petitioners approached this Court apprehending inclusion of this land in Zero Landless Project.

3. The party respondents would submit that this land has already been allotted as per Zero Landless Project to the 2nd petitioner and the Panchayat has agreed to construct a house for her.

4. The learned counsel for the petitioners submit that allotment has been made subsequent to their application and the allotment is illegal.

5. This Court is of the view that appropriate decision shall be taken by the Tahsildar in this matter, after hearing the petitioners as well as 5th respondent. If it is required, the Tahsildar shall refer this matter to the District Collector. Appropriate decision shall be taken on this issue by the competent authority, within two months from the date of receipt of a copy of this judgment. Till a decision is taken, status quo shall be maintained.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

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