

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 33161 of 2014 (U)

PETITIONER:

**P.M.FATHIMA, AGED 60 YEARS
BARKATH, THIRUVAAMPADY, MULLACKAL
ALAPPUZHA - 688 011**

**BY ADVS.SRI.S.SANTHOSH KUMAR
SMT.P.LISSY JOSE.
SRI.S.VINODKUMAR
SRI.M.SALIM**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
LAND REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM- 695 001.**
- 2. SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 3. THE LAND REVENUE COMMISSIONER,
COMMISSIONERATE OF LAND REVENUE
THIRUVANANTHAPURAM - 695 003.**
- 4. KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION LTD.
(KSIDC), HEAD OFFICE AT KESTON ROAD, KOWDIAR
THIRUVANANTHAPURAM - 695 003
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 5. THE DISTRICT COLLECTOR, ALAPPUZHA - 688 001.**
- 6. THE SPECIAL TAHSILDAR (LA),
(GENERAL), ALAPPUZHA - 688 001.**
- 7. THE SPECIAL TAHSILDAR (LA),
INDUSTRIAL GROWTH CENTRE, CHERTHALA
ALAPPUZHA - 688 541.**

**R1 TO R3 & R5 TO R7 BY GOVERNMENT PLEADER SRI. S. JAMAL
R4 BY SRI.JOBY CYRIAC, SC, KSIDC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :-

- P1: TRUE COPY OF GOVT. ORDER DATED 24/6/1996 OF 2ND RESPONDENT**
- P2: TRUE COPY OF SECTION 4(1) NOTIFICATION DATED 20/1/1997 PUBLISHED IN GAZETTE DATED 24/1/1997**
- P3: TRUE COPY OF SECTION 6 DECLARATION DATED 27/7/1998 PUBLISHED IN GAZETTE DATED 6/8/1998 ISSUED BY THE 3RD RESPONDENT**
- P4: TRUE COPIES OF SECTION 9 NOTICES ISSUED BY THE 7TH RESPONDENT**
- P5: TRUE COPY OF AWARD DATED 16/9/2000 IN AWARD NO.148/2000.**
- P5(A): TRUE COPY OF AWARD DATED 16/9/2000 IN AWARD NO.149(1)/2000.**
- P5(B): TRUE COPY OF AWARD DATED 16/9/2000 IN AWARD NO.149(2)/2000.**
- P5(C): TRUE COPY OF AWARD DATED 16/9/2000 IN AWARD NO.397/2000.**
- P5(D): TRUE COPY OF AWARD DATED 16/9/2000 IN AWARD NO.402/2000.**
- P5(E): TRUE COPY OF AWARD DATED 16/9/2000 IN AWARD NO.402/2000(2).**
- P5(F): TRUE COPY OF AWARD DATED 16/9/2000 IN AWARD NO.630/2000.**
- P5(G): TRUE COPY OF AWARD IN LA NO.183/2000(2) DATED 16/9/2000.**
- P6: TRUE COPY OF LETTER DATED 15/1/2014 ISSUED BY THE 7TH RESPONDENT UNDER RTI ACT.**
- P7: TRUE COPY OF WRITHDRAWAL NOTIFICATION NO.GO(RT) NO.3570/2006/RD DATED 5/8/2006.**
- P8: TRUE COPY OF LETTER DATED 28/8/2005 OF THE MANAGING DIRECTOR OF THE 4TH RESPONDENT**
- P9: TRUE COPY OF LETTER DATED 12/1/2007 OF THE ASSISTANT GENERAL MANAGER OF THE 4TH RESPONDENT.**

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P10: TRUE COPY OF REPRESENTATION DATED 8/5/2008.

P11: TRUE COPY OF LETTER DATED 20/5/2008 OF THE 7TH RESPONDENT

**P12: TRUE COPY OF LETTER DATED 27/6/2009 OF THE PETITIONER TO THE
4TH RESPONDENT**

P13: TRUE COPY OF REPRESENTATION DATED 7/4/2010 OF THE PETITIONER

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 33161 OF 2014

Dated this the 15th day of January, 2015

JUDGMENT

The prayers 1 and 2 in the writ petition are in relation to Ext. P5 series awards passed as early as on 16.09.2000. More than 14 years have elapsed by now and the challenge to the awards cannot be countenanced on the ground of delay.

2. The prayers 3 and 4 of the writ petition pertain to restoration of possession and ownership over the land which belonged to the petitioner. The petitioner asserts that the respondents are not now in need of the land and has submitted Ext. P12 representation with the fourth respondent.

3. The petitioner is also free to submit a supplemental representation to the first respondent. Any representation so filed within one month from today shall also be dealt with within one month therefrom. The petitioner as well as the fourth respondent shall be put on notice and heard in the exercise. The petitioner is free to urge her contentions and to ventilate her grievances.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS