IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

WP(C).No.27563 OF 2020(U)

PETITIONERS:

1 AMARNATH GIRISH
S/O. GIRISH KUMAR, VIRASSERI NADUKKANDI HOUSE,
P.O. PERUVALLOOR-673 638, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.
REPRESENTED BY HIS MOTHER AND GUARDIAN JISHA,
AGED 49 YEARS, W/O. GIRISHKUMAR,
VIRASSERI NADUKKANDI HOUSE, P.O. PERUVALLOOR-673 638,
TIRURANGADI TALUK, MALAPPURAM DISTRICT.

2 ABHINAV GIRISH
S/O. GIRISH KUMAR, VIRASSERI NADUKKANDI HOUSE,
P.O. PERUVALLOOR-673 638, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.
REPRESENTED BY HIS MOTHER AND GUARDIAN JISHA,
AGED 49 YEARS, W/O. GIRISHKUMAR,
VIRASSERI NADUKKANDI HOUSE, P.O. PERUVALLOOR-673 638,
TIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADVS.
SRI.K.K.MOHAMED RAVUF
SRI.P.CHANDRASEKHAR

RESPONDENTS:

1 THE LAND TRIBUNAL,
PARAPPANANGADI, MALAPPURAM DISTRICT-676 303.

2 THE LAND TRIBUNAL
TIRUR, MALAPPURAM DISTRICT-676 101.

SRI KP HARISH, SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The instant writ petition is filed seeking the following reliefs:

> i issue a writ of Mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to make over the files of S.M.No.186/1997 to the Land Tribunal, Parappanangadi forthwith;
>
> ii issue a writ of Mandamus or any other appropriate writ, order or direction, directing the 1st respondent to consider and dispose of Exhibit P6 application pending before it, within a time frame fixed by this Hon'ble Court.

2. The petitioners state that they have purchased the tenancy right over property having an extent of 16.19 Ares comprised in Re-Sy. No.229/2 of Peruvalloor Village. According to them, when they approached the respondents with intent to purchase the Jenmam Right, they were informed that suo moto proceedings were initiated in favour of the father of the vendors and due to non-appearance, the same was dismissed. According to the petitioners, the non-appearance is due to the fact that the father of the vendors had expired in the meantime. They state that they have approached the Land Tribunal, Parappanangadi, seeking restoration of the S.M.Proceedings and for substituting the petitioners as the cultivating tenants. Though various

other prayers are sought for, when the matter came up for consideration, the prayer advanced by Sri. K.K.Mohamed Rauf, the learned counsel for the petitioners, is for an expeditious consideration of Ext.P6 application.

3. I have heard the learned counsel appearing for the petitioners and the learned senior Government pleader.

4. Since the limited request of the petitioners is for an expeditious consideration of Ext.P6 application, I direct the 2nd respondent to make over the files of S.M.No.186 of 1997 to the Land Tribunal, Parappanangadi and the said Tribunal shall consider Ext.P6 application and pass orders with notice to the petitioners, expeditiously, at any rate, within a period of sixty days from the date of receipt of a copy of this judgment. I make it clear that this Court has not expressed any opinion on the merits of the assertions made by the petitioners in Ext.P6 and the same shall be considered strictly on its merits and in accordance with law.

The Writ Petition is disposed of accordingly.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

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APPENDIX

PETITIONERS EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE ASSIGNMENT DEED NO.560/2018 OF THENHIPALAM SRO DATED 9.2.18.
EXHIBIT P2	TRUE COPY OF BASIC TAX RECEIPTS DATED 25.2.1978 ISSUED BY THE RESPONDENT.
EXHIBIT P3	TRUE COPY OF THE BASIC TAX RECEIPTS DATED 16.12.1994 ISSUED BY THE RESPONDENT.
EXHIBIT P4	TRUE COPY OF THE JUDGMENT DATED 2.7.2020 IN WPC NO.5401/2020 OF THIS HON'BLE COURT.
EXHIBIT P5	TRUE COPY OF THE TAX RECEIPT DATED 21.7.2020 ISSUED BY THE VILLAGE OFFICER, PEVUVALLOOR TO THE PETITIONERS.
EXHIBIT P6	TRUE COPY OF THE APPLICATION FILED BY THE PETITIONERS UNDER RULE 91 AND 92 OF THE KERALA LAND REFORMS (TENANCY) RULES DATED 10.11.2020 BEFORE THE IST RESPONDENT.

RESPONDENTS EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE