IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 27TH DAY OF MARCH 2024 / 7TH CHAITHRA, 1946

WP(C) NO. 17343 OF 2013

PETITIONER/S:

K.V. GANGA
AGED 73 YEARS
W/O. P.K. NARAYANAN, PONNACHUPARAMBIL, NOW RESIDING AT MRUTHA NIVAS, WELFARE ROAD, PALARIVATTOM, KOCHI-25.

BY ADVS.
SANTHOSH MATHEW
ARUN THOMAS
KARTHIKA MARIA
ANIL SEBASTIAN PULICKEL
ABI BENNY AREECKAL
MATHEW NEVIN THOMAS
KURIAN ANTONY MATHEW

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 **TAHSILDAR**
TALUK OFFICE, KOCHI-682001.

BY ADVS.
GOVERNMENT PLEADER

OTHER PRESENT:

SRI.RIYAL DEVASSY, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

W.P.(C.) No. 17343 of 2013

Dated this the 27th day of March, 2024

JUDGMENT

The above writ petition is filed with following prayers :

"a) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to issue the Patta under the Kerala Land Assignment Act in view of Exhibits P-1 and P-4 to the petitioner on an earlier date, and

b) to issue such other writ, order or direction as are necessary in the nature of the case and in the interest of justice." [sic]

2. The main grievance of the petitioner is about the non issuance of patta as per the order of assignment. A counter is filed by the 2nd respondent. It will be better to extract paragraph Nos. 3 and 4 of the counter affidavit.

3. "It is submitted that the petitioner residing in Palarivattom near Ernakulam and is having ownership and possession of 8.5 cents of landed property in Punithura

Village in Kanayannoore Taluk. The land applied for assignment is situated in Puthuvype Village where LNG Terminal is situated. There are number of Government projects are proposed in the present site and land in question is situated in a highly potential area and hence it cannot be assigned to anybody as per Section II(1) and II(2) of the Kerala Land Assignment Rule 1964.

4. In this context, it is also submitted that the Government has now issued an order bearing No.GO(Ms)280/11/RD dated 27.07.2011 stating that the land assigned on Patta will be issued only to the landless people alone that too for the purpose of self housing. The petitioner is either cultivating or residing in the said land. Equally, the petitioner owned an extent of 8.5 cents of land in Ernakulam city. Under such circumstances at any rate the land cannot be assigned to the petitioner, none of the grounds raised in the writ petitions are legally sustainable."

3. In the light of the above averments, I am of the considered opinion that the petitioner is not entitled any relief. No further orders can be passed in this case.

Therefore, this writ petition is closed recording paragraph Nos. 3 and 4 of the above counter filed by the 2nd respondent.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

SKS

APPENDIX OF WP(C) 17343/2013

PETITIONER EXHIBITS

EXT.P1 TRUE COPYA OF THE ORDER OF ASSIGNMENT IN LA NO. 926/1974.

P2 TRUE COPY OF THE RECEIPT DATED 22-3-1976 ISSUED BY THE VILLAGE OFFICER, PUTHUVAIPPU.

P3 TRUE COPY OF THE RECEIPT ISSUED BY THE PETITIONER FOR PAYUMENT OF TAX ON 4/1/1988.

P4 TRUE COPY OF THE PROCEEDINGS DATGED 1-12-2005 OF THE 2ND RESPONDENT.

P5 TRUE COPY OF THE APPLICATION DATED 28-1-2005 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P6 TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN THE PRESCRIBED FORM BEFORE THE 2ND RESPONDENT.