IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

MONDAY, THE 1ST DAY OF APRIL 2024 / 12TH CHAITHRA, 1946

WP(C) NO. 10114 OF 2024

PETITIONERS:

1 C.P. VISWAMBHARAN
AGED 62 YEARS
S/O. PADMANABHAN, CHENNAPARA,CHITTOOR POST, AGALI,
MANNARKKAD TALUK, PALAKKAD, PIN - 678581

2 SHERLY
AGED 57 YEARS
W/O. C.P. VISWAMBHARAN, CHENNAPARA,CHITTOOR POST, AGALI,
MANNARKKAD TALUK, PALAKKAD, PIN - 678581

BY ADVS.
T.M.ABDUL LATHEEF
VAISHNAV DEV

RESPONDENTS:

1 STATE OF KERALA
REP. BY SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, SECRETARIAT P.O.,
THIRUVANANTHAPURAM, PIN - 695001

2 THE DISTRICT COLLECTOR
THE DISTRICT COLLECTOR, CIVIL STATION, PALAKKAD, PIN -
678001

3 THE REVENUE DIVISIONAL OFFICER
THE REVENUE DIVISIONAL OFFICER, OTTAPPALAM, PALAKKAD, PIN -
679101

4 THE TAHSILDAR
TALUK OFFICE, CHITTOOR TALUK, PALAKKAD, PIN - 678581

5 THE VILLAGE OFFICER
AGALI VILLAGE OFFICE, PALAKKAD, PIN - 678581

6 KALI
S/O. SIVAN, CHITTOOR, AGALI, PALAKKAD, PIN - 678581

7 CHATHAN
S/O. CHINDAN, CHITTOOR, AGALI, PALAKKAD, PIN - 678581

BY ADVS.
SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL()
SPL.GP - JAFAR KHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM , J.

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WP(C) No. 10114 of 2024

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Dated this the 1st day of April, 2024

J U D G M E N T

Petitioners have approached this Court challenging Ext.P4 order and also seeking for a direction to the 2nd respondent to consider and pass orders on Exts.P5 and P9.

2. Petitioners submit that they are in possession and enjoyment of 6 acres of property which is a garden land and the same was cultivated with pepper, coffee, rubber etc. Petitioners submit that by Ext.P4 order the 3rd respondent issued a direction to Tahsildar, Mannarkad to restore the property in respect of the petitioners since the same was in violation of the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999. Petitioners submit that Ext.P5 statutory appeal was preferred before the 2nd respondent, but till date no action has been taken on the same.

3. The learned Government Pleader Revenue upon instructions submitted that, it is true that Ext.P5 appeal is pending consideration before the 2nd respondent and the property has not been recovered back from the possession of the petitioners.

4. Considering the above facts and circumstances of the case, I am inclined to dispose of the writ petition with a direction to the 2nd respondent to take up Ext.P5 appeal preferred by the petitioners and dispose of the same, in accordance with law within an outer limit of three months from the date of receipt of a copy of this judgment after affording an opportunity of being heard to the petitioners, respondent Nos. 6 and 7 and any other affected parties. Till a decision is taken as directed above, further proceedings pursuant to Ext.P4 shall be kept in abeyance. The request made by the petitioners in prayer No.3 is left open.

With the above said direction, the writ petition is disposed of.

Sd/-

VIJU ABRAHAM
JUDGE

sbk/-

APPENDIX OF WP(C) 10114/2024

PETITIONER EXHIBITS

Exhibit P1	: TRUE COPY OF THE PROCEEDINGS OF 3RD RESPONDENT DATED 13.10.95
Exhibit P2	TRUE COPY OF THE LAND TAX RECEIPT DATED 1.10.2010
Exhibit P3	TRUE COPY OF PERMIT DATED 7.3.2000 ISSUED BY DEPUTY DEVELOPMENT OFFICER, RUBBER BOARD
Exhibit P4	TRUE COPY OF THE PROCEEDINGS DATED 30.8.2014 IN TLA NO.773/87 AND 1446/87
Exhibit P5	TRUE COPY OF APPEAL MEMORANDUM FILED BY THE PETITIONER BEFORE 2ND RESPONDENT
Exhibit P6	TRUE COPY OF POSTAL RECEIPT DATED 15.6.2016
Exhibit P7	TRUE COPY OF ACKNOWLEDGEMENT CARD DATED 16.6.2016
Exhibit P8	TRUE COPY OF COMPLAINT BEFORE THE 2ND RESPONDENT DATED 25.2.2024
Exhibit P9	TRUE COPY OF PURCHASE CERTIFICATE DATED 11.5.78.