
(2019) 05 KL CK 0047

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 34504 Of 2016

A.Harish Shenoy

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 29-05-2019

Acts Referred:

Citation : (2019) 05 KL CK 0047

Hon'ble Judges : A.Muhammed Mustaque, J

Bench : Single Bench

Advocate : T.Sethumadhavan, Vandana Menon, K.Jayesh Mohankumar, Pushparajan Kodoth, M.N.Sanjith

Final Decision : Disposed Off

Judgement

1. The petitioners are purchasers from the assignee of the Government land. The fifth respondent was the assignee. He was assigned 90 cents of the land. This was canceled pursuant to Ext.P12 proceedings of the District Collector. The matter was carried in an appeal before the Government. The Government remanded the matter to the Revenue Divisional Officer. The Revenue Divisional Officer passed Ext.P18 order affirming the cancellation of registration. These orders are under challenge before this Court.

2. The reasons stated for cancellation are that the assignee was not eligible for assignment of land. It is also stated that the land was not utilized for the purpose of assignment. These factual findings stare against the petitioners. The petitioners are having alternative remedy by way of appeal before the Land Revenue Commissioner. If the petitioners move an appeal before the Land Revenue Commissioner within one month from today, the appeal shall be entertained and disposed after hearing the petitioners within a further period of four months. Till then, status quo as on today shall be maintained. The petitioners are at liberty to urge all contentions available including the contentions raised in the writ petition before the Land Revenue Commissioner.

The writ petition is disposed of as above.

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE CERTIFICATE DATED 21/10/1981 ISSUED BY R3.

EXHIBIT P2 TRUE COPY OF THE SKETCH SHOWING THE PROPERTY ASSIGNED TO THE 5TH RESPONDENT IN R.S.NO.469/5 OF KOYIPPADI VILLAGE.

EXHIBIT P3 TRUE COPY OF THE ORDER DT. 31/1/2009 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P4 TRUE COPY OF REVISED OA DT. 15/10/2009 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P5 TRUE COPY OF THE REVISED PATTa ISSUED BY 3RD RESPONDENT TO 5TH RESPONDENT DT. 24/11/2009.

EXHIBIT P6 TRUE COPY OF THE REVISED SKETCH PREPARED BY THE 4TH RESPONDENT SHOWING THE PROPERTY ASSIGNED TO THE 5TH RESPONDENT.

EXHIBIT P7 TRUE COPY OF THE DEED NO 5844/2009 OF S.R.O KASARAGOD DATED 17/12/2009.

EXHIBIT P8 TRUE COPY OF THE SALE DEED NO.5843/2009 OF SRO KASARAGOD DATED 17/12/2009

EXHIBIT P9 TRUE COPY OF SALE DEED NO.5842/2009 OF SRO, KASARAGO DATED 17/12/2009

EXHIBIT P10 TRUE COPY OF THE SALE DEED NO.5845/2009 OF SRO, KASARAGOD DT.17/12/2009.

EXHIBIT P11 TRUE COPY OF THE COMMUNICATION ISSUED BY 2ND RESPONDENT DT. 6/2013 TO 1ST PETITIONER.

EXHIBIT P12 TRUE COPY OF ORDER DT. 23/9/2010 PASSED BY THE 2ND RESPONDENT CANCELING EXT.P1.

WP(C).No.34504/2016 6

EXHIBIT P13 TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONERS DT. 16/8/2013 BEFORE THE 1ST RESPONDENT

EXHIBIT P14 TRUE COPY OF THE JUDGEMENT DT. 17/10/2013 IN WPC 25263/13 OF THIS HON'BLE COURT.

EXHIBIT P15 TRUE COPY OF THE ORDER DATED 16/5/2014 PASSED BY THE 1ST RESPONDENT.

EXHIBIT P16 TRUE COPY OF THE JUDGMENT DT. 9/2/2016 IN WPC 16202/2014 OF THIS HON'BLE COURT.

EXHIBIT P17 TRUE COPY OF REPORT OF THE 3RD RESPONDENT DATED 13/10/2003.

EXHIBIT P18 TRUE COPY OF THE ORDER DATED 22/9/2016 ISSUED BY THE 6TH RESPONDENT.

RESPONDENTS EXHIBITS:NIL.