

(1998) 07 SC CK 0100

In the Supreme Court Of India

Case No : Slps (C) No. 1117 Of 1997 With No. 5573 Of 1990

Alavi and Another

APPELLANT

Vs

Taluk Land Board, Tirur and Others

RESPONDENT

Date of Decision : 31-07-1998

Acts Referred:

Kerala Land Reforms Act, 1963 — Section 85(9A)

Citation : (1999) 1 SCC 260

Hon'ble Judges : D. P. Wadhwa, J;A. S. Anand, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Slp(C)NO. 1117 of 1997

Even without advertng to the scope of Ss. (9-A) of Section 85 of the Kerala Land Reforms Act, 1964 we find, on the petitioner's own showing, that the applications were filed by Petitioner 1 under Section 85(9-A) on 12/11/1992 and by Petitioner 2 on 10/10/1992. The proviso to Section 85(9-A) which was inserted w.e.f. 30/5/1989 reads:

"Provided that the Taluk Land Board shall not reopen any such case after the expiry of three years from the date of coming into force of the Kerala Land Reforms (Amendment) Act, 1989."

2. By virtue of this proviso, the applications filed in October and November 1992 were barred by time. The Taluk Land Board could not have entertained, much less considered, those applications. The High court, therefore, rightly set aside the order of the Board, even though for different reasons. We do not find any merit in this special leave petition. It is, accordingly, dismissed. No costs.

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3. Against the order of the Taluk Land Board dated 30/6/1976, a revision was preferred in the High court under Section 103 of the Kerala Land Reforms Act.

That revision was partly allowed on 30/3/1977. On a limited question, a remand was made to the Taluk Land Board while disposing of the revision petition. On 30/8/1982, the Taluk Land Board, after remand of the case from the High court, went into those questions also which had acquired finality by the order of the High court in the revision petition on 30/3/1977. The order of the Taluk Land Board dated 30/8/1982 was challenged and the High court rightly found that the Board was not empowered to go into the correctness or otherwise of the earlier order of the Taluk Land Board, which had acquired finality by reason of the determination by the High court of the issues involved in civil revision on 30/3/1977. The High court, therefore, rightly set aside the Taluk Land Board dated 30/8/1982. This petition, in the circumstances, has no merits and is dismissed.