

(2021) 01 KL CK 0577

In the High Court Of Kerala

Case No : Original Petition (C) No. 488 Of 2020

Gopalakrishnan M And Ors

APPELLANT

Vs

Appellate Authority (Land Reforms) And Ors

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0577

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : T. Sethumadhavan, Preethi P.V, M.V. Balagopal, T Sethumadhavan, C K Prasad

Final Decision : Disposed Of

Judgement

1. This original petition has been filed seeking a direction to the 1st respondent to consider and pass orders on I.A No.143/2020 and IA No.155/2020 in

AA No.54/2020 within a time frame. Considering the nature of the order proposed to be issued, notice to the respondents is dispensed with.

2. The petitioners allege that certain property of the Ambatt Mangeeri Tharawad was under the occupation of the predecessor in interest of

respondents 4 to 24 namely one Ayyappankutty. It is submitted that the lands in question were being used for temporary residential purposes and was

constructed for the use of certain persons who had hereditary status known as â??choppanâ?? in connection with the rituals of the temple. It is

submitted that the wife of the aforesaid Ayyappankutty clandestinely approached the Land Tribunal claiming to be a tenant entitled to purchase the

landlordâ??s right under the provisions of the Land Reforms Act and obtained favourable orders in the absence of proper parties in the array of

parties before the Land Tribunal. The petitioners claim that they are members of the aforesaid Ambatt Mangeeri Tharawad and that they came to

know of the proceedings before the Land Tribunal only later and when a suit was filed regarding the properties in question. The petitioners have

therefore approached the Appellate Authority (Land Reforms), Thrissur, with an appeal and applications for condonation of delay and for interim relief

of injunction. Sri. Sethumadhavan, the learned Senior counsel appearing for the petitioners submits that all the contesting parties have already entered

appearance before the 1st respondent.

3. Considering the nature of the disputes between the parties this Original Petition is disposed of directing that the Appellate Authority (Land

Reforms), Thrissur shall take up for consideration I.A No.143/2020 and IA No.155/2020 in AA No.54/2020 as expeditiously as possible and at any

rate within six weeks from the date of receipt of a certified copy of this judgment, after affording an opportunity of hearing to all the parties

concerned. It is made clear that if the Appellate Authority (Land Reforms), Thrissur does not find any justification for condoning the delay in the

application filed for the same then it will not be necessary for it to pass any orders on merits in the application for interim relief or in the appeal.