

(1973) 02 KL CK 0037
In the High Court Of Kerala
Case No : O.P. No. 1367 of 1972

Kayi Kalyani Amma

APPELLANT

Vs

The Land Tribunal Kozhikode and Another

RESPONDENT

Date of Decision : 12-02-1973

Acts Referred:

Citation : (1973) KLJ 383

Hon'ble Judges : V.P. Gopalan Nambiyar, J

Bench : Single Bench

Advocate : V.N. Swaminathan, for the Appellant;

Final Decision : Allowed

Judgement

V.P. Gopalan Nambiyar, J.—This writ petition raises the question as to whether a Land Tribunal constituted under the Kerala Land Reforms Act (Act I of 1964) has got the power of reviewing its own order; and if so, whether the said power can be exercised without notice to the party affected by the order. I do not propose to decide the first of these questions, as this case can safely be disposed of on the second. The order impugned in this case is Ext. P3 dated 15th February 1972, by which the Land Tribunal reviewed its prior order dated 31-10-1970 passed under S. 80-B of the Land Reforms Act, dismissing the 2nd Respondent's application to purchase the kudikidappu rights. Subsequently, on an application filed for review of the said order, the Land Tribunal passed Ext. P3 order, condoning the delay in submitting the review petition, allowing the application for review, and posting the case for filing written statement. The petitioner has alleged that he had no notice at all either of the application for review or of the application to excuse delay in filing the same. I am clear that, whether there was power at all in the Land Tribunal to review its own order, the said power cannot certainly be exercised without notice to the party aggrieved, who in this case is the petitioner. I notice that there was no separate application to excuse delay in filing the review petition. The Land Tribunal was wrong again in excusing the delay in filing the review petition without notice to the petitioner herein. On these

grounds, I allow this writ petition and quash Ex. P3 and direct the Land Tribunal to dispose of the matter afresh in accordance with law and in the light of the observations contained in this judgment. The Land Tribunal will, if an application to excuse delay in filing the review petition be filed, give notice of the same in the first instance to the petitioner herein and deal with it in accordance with law. If delay were to be excused, the Tribunal will then proceed to deal with the application for review, again after notice of the same to the petitioner. In so dealing with the application for review, it will be open to the petitioner herein to urge the contention that the Land Tribunal has no power to review at all.

2. The O.P. is allowed as above and Ext. P3 order is quashed. No costs.