
(2010) 09 KL CK 0268

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 23437 of 2010 (D)

K.R. Aravindakshan

APPELLANT

Vs

The Tahsildar

RESPONDENT

Date of Decision : 06-09-2010

Acts Referred:

Kerala Government Land Assignment Rules, 1964 — Rule 21

Citation : (2010) 09 KL CK 0268

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : T. Krishnan Unni, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—Petitioner is the transferee of land having an extent of 0.41.13 Hectors situated in resurvey No. 26/1-2 of Malayattoor Village. The land was assigned for rubber cultivation and on the ground that the assignment conditions were violated, Ext.P7 order dated 27/04/2010 was issued by the respondent cancelling the assignment and ordering resumption of the said land. It is challenging Ext.P7, the writ petition has been filed.

2. Since Ext.P7 has been issued in terms of the provisions of the Kerala Land Assignment Rules, the petitioner has a right of appeal as per Rule 21 of the said Rules, which is to be filed before the Revenue Divisional Officer. Since such an alternate remedy of appeal is available to the petitioner, I do not think it necessary for this Court to entertain the writ petition and consider the contentions on merits.

Therefore, this writ petition is disposed of with the following directions:

That it will be open to the petitioner to file an appeal against Ext.P7 order. Subject to the petitioner filing an appeal as above within two weeks from today, it is directed that the appeal will be entertained by the appellate authority and dealt with on merits, and further proceedings pursuant to Ext.P7 order will be

kept in abeyance until the disposal of the appeal. Needless to say that if appeal is filed as above, the appellate authority shall dispose of the appeal as expeditiously as possible.

This writ petition is disposed of as above.