
(2023) 06 KL CK 0042
In the High Court Of Kerala
Case No : Writ Petition (C) No. 20398 Of 2011

Mohanan

APPELLANT

Vs

Revenue Divisional Officer Ottapalam 679101

RESPONDENT

Date of Decision : 01-06-2023

Acts Referred:

Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999 — Section 7(5)

Citation : (2023) 06 KL CK 0042

Hon'ble Judges : Mohammed Nias. C.P., J

Bench : Single Bench

Advocate : S.Easwaran, M.A.Augustine, P.Muraleedharan Irimpanam, Amt.Vinitha.B.

Final Decision : Disposed Of

Judgement

Mohammed Nias. C.P., J

Petitioner is stated to possess and enjoy 4.10 Acres of land purchased as per Exts.P1 and P2 sale deed from the legal heirs of one Prabhakaran. The second respondent filed an application before the first respondent purportedly invoking the provisions of the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999, and on the basis of the report received by the first respondent, the petition was allowed by Ext.P6 order directing the petitioner to re-convey the land in issue to the second respondent. Learned counsel for the petitioner submits that Ext.P6 is passed without any authority, and the same is bad in so far as it directs to re-convey the land of the petitioner.

Having heard the learned counsel for the petitioner and the learned Government Pleader, I am of the view that the petitioner has an alternate efficacious remedy of an appeal against Ext.P6 order before the District Collector under S.7(5) of the Act mentioned above. Accordingly, this writ petition is disposed of, directing the petitioner to avail the alternate remedy against Ext.P6 order within thirty days from today. The period from 26.8.2011 up to this date will stand excluded for the

purpose of computing the period of limitation for availing the alternate remedy. The petitioner will also be free to apply for a stay/interim order before the competent authority. He will be free to raise all contentions available to him for challenging Ext.P6 order. To enable the above directions, the operation of Ext.P6 to the extent it directs the re-conveyance of the petitioner's property to the second respondent will be kept in abeyance for three months from today.

The Writ petition is disposed of as above.