

(2010) 08 KL CK 0279

In the High Court Of Kerala

Case No : Writ Petition (C) No. 24960 of 2010 (O)

Rose Mary Xavier

APPELLANT

Vs

Taluk Land Board, Silviya Francis and Tahsildar

RESPONDENT

Date of Decision : 11-08-2010

Acts Referred:

Kerala Land Reforms Act, 1963 — Section 7E, 85(8)

Citation : (2010) 08 KL CK 0279

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

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

Judgement

Thomas P. Joseph, J.—Learned Government Pleader takes notice for respondent Nos. 1 and 3. In the nature of the order I propose to pass notice to respondent No. 2 is dispensed with.

2. Petitioner, claiming title and possession of the disputed property as per assignment deed dated 15-02-2005 executed by the declarant filed Ext.P2, application u/s 85(8) of the Kerala Land Reforms Act (for short, "the Act") claiming protection u/s 7E of the said Act concerning property covered by that assignment deed. She moved Ext.P3, application for stay of further proceedings pursuant to the order passed in the ceiling case against the declarant. Grievance of petitioner is that Exts.P2 and P3, applications have not been considered by the Taluk Land Board, Taliparamaba (for short, "the TLB") and instead, it is attempting to dispossess petitioner from the property referred to in the sale deed dated 15-02-2005. Learned Senior Advocate contends that u/s 85(8) of the Act petitioner is entitled to get exemption of her land from the land liable to be surrendered by the declarant. I have heard learned Government Pleader also in this regard.

3. If Exts.P2 and P3, applications are pending before the TLB the same are to be disposed of. The parties are also to maintain status quo as regards possession of

the property claimed by petitioner.

Resultantly this writ petition is disposed of directing respondent No. 1 to dispose of Exts.P2 and P3, applications at the earliest. I also direct that if petitioner is in possession of the property referred to in her title deed dated 15-02-2005 she shall not be dispossessed until Ext.P2, application is disposed of.

Writ petition is disposed of with the above direction.