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**(2014) 02 KL CK 0177**

**In the High Court Of Kerala**

**Case No : WP (C) No. 5134 of 2014 (N)**

Smt. Chinnamma Varkey

APPELLANT

Vs

Kottukappalli, George Thomas and Others

RESPONDENT

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**Date of Decision :** 21-02-2014

**Acts Referred:**

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

**Citation :** (2014) 02 KL CK 0177

**Hon'ble Judges :** Anil K. Narendran, J

**Bench :** Single Bench

**Advocate :** C.K. Sreejith, Advocate for the Appellant; K.C. Vincent, Government Pleader, Advocate for the Respondent

**Final Decision :** Disposed Off

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## **Judgement**

Anil K. Narendran, J.—According to the petitioner, she is the second wife of late Kallanikkal Mathai Varkey. The property having an extent of 2.19 acres situated in R.S.No.231 of Kodakkad Village originally belonged on Jenm right to George Thomas Kottukappally, which was obtained by Kallanikkal Mathai Varkey on oral "Kuzhikanam" right from the above said Jenmi in the year 1946. Petitioner's husband died on 29/12/1971. According to the petitioner, after the death of her husband the said property along with an extent covered in his Jenm Sale deed No.1490/1959 of SRO, Trikaripur, were devolved upon her and her 3 children who are in possession and enjoyment of the said property on the strength of partition deed No.1924/1982 of SRO, Trikaripur and they are residing in the residential building situated in that property. The 1st petitioner applied before the Land Tribunal, Nileshwar for purchasing the Jenm right and the same was numbered as O.A.No.626/1972. The said application was disposed of on 2/7/1974 without conducting proper enquiry and without giving notice to her. Subsequently she filed O.A.No.780/1972 and 3866/1976 before the same Tribunal and both applications were also dismissed without giving her notice. The petitioner and her children has filed Ext.P1 petition u/s 85(8) of the Kerala Land Reforms Act, 1963,

in respect of the property referred to above in order to exempt the said property from TLB proceedings and the same is still pending consideration. In the meanwhile the petitioner apprehends that the said property is included in the Zero Land Less Program of the Government of Kerala. In this Writ Petition the petitioner is seeking a writ of mandamus directing the Taluk Land Board, Kasaragod, the 3rd respondent herein to dispose Ext.P1 application within a time limit.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader.

3. Considering the facts and circumstances pleaded in the Writ Petition, it is disposed of, without going into the maintainability of Ext.P1 application or the merit of the contentions raised by the petitioner, directing the 3rd respondent to dispose of Ext.P1 petition strictly in accordance with law with notice to the petitioner, first respondent and any other person interested in the property, as expeditiously as possible, at any rate, within 6 months from the date of receipt of a copy of this judgment.

Taking into consideration the nature of relief granted in this Writ Petition I deem it unnecessary to issue notice to the first respondent at this stage.

The Writ Petition is disposed of as above.