

Selvakumar Vs. State of Kerala

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Court : Kerala

Decided On : Sep-30-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Selvakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON MONDAY,THE30H DAY OF SEPTEMBER20138TH ASWINA, 1935 WP(C).No. 22429 of 2013 (C)

----- PETITIONER(S): ----- 1.
SELVAKUMAR, AGED33YEARS, S/O.CHELLADURAI, RESIDING AT DEVIKULAM ESTATE P.O.MUNNAR, IDUKKI DISTRICT, PIN-685 612.

2. RANI, AGED49YEARS W/O.SALMONRAJ, RESIDING AT GUNDUMALA SURYANELLI ESTATE.P.O., CHINNAKKANAL VILLAGE UDUMPUNCHOLA TALUK, IDUKKI DISTRICT, PIN-685612.

3. KUMAR, AGED26YEARS S/O.GURUNADAN, RESIDING AT HOUSE NO.553 MANJUMALAI LOWER DIVISION, VANDIPERIYAR, PEERUMEDU IDUKKI DISTRICT. BY ADV. SRI.K.J.GEORGE KUNNUMPURATH RESPONDENT(S):

----- 1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT THIRUVANANTHAPURAM, PIN-695001.

2. THE DISTRICT COLLECTOR, IDUKKI, PIN-685603.

3. THE TAHSILDAR, UDUMPUMCHOLA TALUK, IDUKKI, PIN-685603.

4. THE VILLAGE OFFICER, CHINNAKKANAL VILLAGE, CHINNAKKANAL, PIN-685618. BY SPL.GOVERNMENT PLEADER SMT.SUSHEELA BHATT THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON3009-2013, ALONG WITH WPC. 28948/2011, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: tss WP(C).No. 22429 of 2013 (C)

----- APPENDIX PETITIONER(S)' EXHIBITS
----- P1: COPY OF THE NOTIFICATION NO.GO.NO.19715/R1/2002/RD DATED1211/2002. P2: COPY OF THE NOTIFICATION NO.GOP NO.31/2012/RD DATED2301/2012. P3: COPY OF THE REPRESENTATION DATED71.2013. P4: COPY OF THE POSTAL ACKNOWLEDGEMENT CARD. P5: COPY OF THE COMMUNITY CERTIFICATE OF THE SON OF THE IST PETITIONER ISSUED BY THE TAHSILDAR UDUMPUNCHOLA DATED287.2010. P6: COPY OF THE

JUDGMENT

IN WPC.NO.5538/2013 DATED113/2013. RESPONDENT(S)' EXHIBITS
----- NIL TRUE COPY P.A. TO JUDGE tss
P.R.RAMACHANDRA MENON, J.

----- W.P.(C).Nos.22429 of 2013 & 28948 of
2011 ----- Dated this the 30th day of September,
2013

JUDGMENT

Prayers are almost similar in both the cases. W.P.(C).No.22429 of 2013 The petitioners have approached this Court with the following prayers: i) Issue a writ of mandamus or any other order or direction to the respondents to allot one acre of land each to the petitioners, in compliance of Ext.P1 and P2 in Sy.No.34/1 of Chinnakkanal Village, whereby they are in possession and residing with their family. ii) Issue of writ of mandamus or any other writ or order or direction to the respondents to dispose of Ext.p3 representation within a time limit. iii) Issue a writ

of mandamus or any other writ or order or direction to the respondents not to interfere with the possession, cultivation of the petitioner in their holdings.

2. It is borne out by the pleadings and proceedings that the issue has already considered by this Court, as to the alleged rights and liberties to continue to occupy the premises. After considering the facts and figures, interference was declined and similar writ petitions were already dismissed as per Ext.P6 judgment dated 11.3.2013. The operative portion of said judgment reads as follows: " In the above facts and circumstances, interference is declined. All these writ petitions are dismissed, however, without prejudice the rights and liberties of the petitioners to seek for the benefits flowing from the Schemes, if any and if they are eligible." W.P.(C).Nos.22429 of 2013 & 28948 of 2011 2 3. In the said circumstances, this Court finds no tenable ground to call for interference in the writ petitions and hence, both the writ petitions are dismissed. In view of the stand taken by the Government as revealed from paragraph 8 of the counter affidavit filed in WP(C) No.28948 of 2011, that the petitioners are free to apply for allotment of land under the 'Zero Landless Scheme' launched by the Government vide in G.O(P) No.31/2012/RD dated 23.1.2012, it is open for the petitioners to pursue the matter accordingly. P.R.RAMACHANDRA MENON, JUDGE cms

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