

Thanka Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1152565

Court : Kerala

Decided On : Jun-17-2014

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Thanka

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH TUESDAY,THE17H DAYOF JUNE201427TH JYASHTA, 1936 CRP(LR).No. 58 of 2014 () -----
AGAINST THE

ORDER

OF THE APPELLATE AUTHORITY (LR) THRISSUR IN IA NO. 14/2012 IN AA N O. 9/2012 DATED2704.2013. PETITIONER(S)/PETITIONERS/APPELLANTS:-:

----- 1. THANKA,
W/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR.

2. KOUSALYA, D/O.PERUVANATHU KARUVAN KOCHUNNI,
THIRUVULLAKAVU CHERPU P.O., THRISSUR.

3. BABU, S/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR.

4. GEETHA, D/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR.
5. JAYACHANDRAN, S/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR.
6. SAHADEVAN, S/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR.
7. SANDHYA, D/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR.
8. THARA, D/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR.
9. SUBHASH, S/O.PERUVANATHU KARUVAN KOCHUNNI, THIRUVULLAKAVU CHERPU P.O., THRISSUR. BY ADVS.SRI.K.MOHANAKANNAN SMT.A.R.PRAVITHA RESPONDENT(S)/RESPONDENTS/RESPONDENTS:-:
----- 1. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY TO GOVT. REVENUE DEPARTMENT, SECRETARIAT THIRUVANANTHAPURAM - 695 001. CRP(LR) NO. 58/2014 2. APPELLATE AUTHORITY(LR), THRISSUR - 680 001.
3. BALAKRISHNAN, S/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561.
4. NARAYANANKUTTY, S/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O., THRISSUR - 680 561.
5. RAMACHANDRAN, S/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O., THRISSUR - 680 561.
6. PREMA, D/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561.
7. KOMALAM, D/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561.

8. VIJAYAKUMAR, S/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O., THRISSUR - 680 561.

9. KOCHUNNI @ MOHANAN, S/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561.

10. MANNAN @ ARAVINDAN, S/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561.

11. LATHA, D/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561.

12. GEETHA, D/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561.

13. USHA, D/O.PERUVANATHU KUTTAN, THIRUVULLAKAVU, CHERPU P.O. THRISSUR - 680 561. BY ADV. GOVERNMENT PLEADER SRI. REJI JOSEPH R3-R13 BY ADV. SRI.T.K.MARTHANDAN UNNITHAN R3-R13 BY ADV. SRI.V.JAYAKUMAR THIS CRP (LAND REFORMS ACT) HAVING COME UP FOR ADMISSION ON1706-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRP(LR) NO. 58/2014 APPENDIX ANNEXURE I : TRUE COPY OF

JUDGMENT

DATED1502.1993 IN OS NO. 68/1982 OF THE ADDITIONAL MUNSIFF COURT,THRISSUR ANNEXURE II : TRUE COPY OF

JUDGMENT

DATED2309.1998 IN AS NO. 286/1994 OF THE DISTRICT COURT,THRISSUR ANNEXURE III : TRUE COPY OF

JUDGMENT

DATED1103.2011 IN SA NO. 57/1999 OF THIS HONOURABLE COURT. ANNEXURE IV : CERTIFIED COPY OF THE PROCEEDINGS IN SMP NO. 1483/1976 DATED0411.1976 ISSUED FROM THE SPECIAL TAHSILDAR (LR) THRISSUR UNDER THE RTI ACT. /TRUE COPY/ P.A. TO JUDGE. V.

ORDER

Heard the counsel for the petitioners, Government Pleader for respondents 1 and 2 and also the counsel for respondents 3 to 13.

2. The certificate of purchase issued to the predecessor- in-interest of respondents 3 to 13 is impugned in this Civil Revision Petition. The fact remains that the said certificate of purchase was produced as Ext.B1 in O.S. No. 68/1982 on the file of the court of the I Additional Munsiff of Thrissur. The suit was disposed of by judgment dated 15.02.1993 and A.A. No. 9/2012 challenging the certificate of purchase was filed only on 17.02.2012. The authorities below were justified in holding that the petitioners have not explained the inordinate delay in filing the appeal and that the same cannot be condoned.

3. I hasten to add that neither the petitioners nor their predecessor-in-interest were a party to the impugned certificate of purchase dated 09.04.1977. Suffice it to say that the 2 CRP(LR) No. 58/2014 certificate of purchase is not binding on the petitioner in any civil suit proposed to be filed. The efficacy of the certificate of purchase in relation to the lands claimed by the petitioners will have to be dealt with independently. The Civil Revision Petition is disposed of. V. CHITAMBARESH
JUDGE ncd