

The State of Kerala vs Mathew Thomas

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Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mr. Justice a.Muhamed Mustaque

Appeal No. : RP/617/2020

Appellant : The State of Kerala

Respondent : Mathew Thomas

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA, 1945 RP
NO. 617 OF 2020 AGAINST THE JUDGMENT DATED 03.03.2020 IN WP(C)
No.4398/2020 ----- REVIEW PETITIONERS: 1 THE STATE OF KERALA,
REPRESENTED BY THE REVENUE SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001. 2 THE LAND REVENUE
COMMISSIONER, OFFICE OF THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM - 695 033. 3 THE TAHSILDAR, LAND REFORMS,
MEENACHIL TALUK, KOTTAYAM - 686 577. 4 THE VILLAGE OFFICER,
VILLAGE OFFICE, TEEKOY, BY SENIOR GOVERNMENT PLEADER,
SMT.VINITHA B. RESPONDENTS: 1 MATHEW THOMAS, AGED 60 YEARS

S/O.THOMAS, CHENGAZHASSERY HOUSE, TOOKOY P.O., ERATTUPETTAH, KOTTAYM-686 580. 2 PUNNOOS, AGED 50 YEARS, S/O.JOSEPH, KOTTUKAPPALLIL, NADACKAL P.O., ERATTUPETTAH, KOTTAYAM - 686 124. 3 GEORGE THOMAS, AGED 57 YEARS, S/O.THOMAS, CHENGAZHASSERY HOUSE, TEEKOY P.O., ERATTUPETTAH, 4 SOMY THOMAS, AGED 48 YEARS, S/O.THOMAS, NJALLAMPUZHA HOUSE, TEEKOY P.O., ERATTUPETTAH, R.P.No.617/2020 2 5 TEEKOY GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, TEEKOY GRAMA PANCHAYATH, KOTTAYAM, PIN - 686 580. BY ADV.SHRI.THOMASKUTTY M.A., SC, TEEKOY GRAMA PANCHAYAT THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: R.P.No.617/2020 3

ORDER

This review petition is filed by respondents 1 to 4 in the writ petition. The writ petition was filed by respondents 1 to 3 herein challenging the stop memo. This Court noting that a permit has been issued, ordered that, by way of a stop memo, mining activity cannot be prevented.

2. It is pointed out by the learned Government Pleader

that the land in question is an exempted land under Section 81 of the Land Reforms Act and the land is now being used for non-exempted purposes. For that matter, this Court need not review the judgment. If the land has been converted for non-exempted purposes, the Revenue Authorities can bring the matter to the attention of the Land Board for initiating ceiling proceedings. Therefore, with liberty to the review petitioners to initiate the proceedings to include the land in the ceiling, if the land has been converted for the non-exempted purposes, the review petition is disposed of. Sd/- A.MUHAMED MUSTAQUE, JUDGE In

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