

Nabeesa vs State of Kerala

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Court : Kerala

Decided On : Mar-27-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/8470/2013

Appellant : Nabeesa

Respondent : State of Kerala

Judgement :

WP(C) NO. 8470 OF 2013 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 27TH DAY OF MARCH 2024 / 7TH CHAITHRA,
1946 WP(C) NO. 8470 OF 2013 PETITIONER/S: 1 NABEESA AGED 36
YEARS W/O.LATE BAPPU ALIAS PAREEKKUTTY (AGED 68 YEARS),
KODUVANPARAMBIL VADAKKETHIL HOUSE, KOTTACHIRA AMSOM,
OTTAPPALAM TALUK, PALAKKAD-679535. 2 MUHAMMED AGED 88
YEARS S/O.KUNHAUDAL, KODUVANPARAMBIL VADAKKETHIL
HOUSE, KOTTACHIRA, OTTAPPALAM TALUK, PALAKKAD-679535.

3 FATHIMA AGED 50 YEARS 4 AISHA AGED 48 YEARS 5 RAMLA AGED 42 YEARS 6 NASIR AGED 38 YEARS WP(C) NO. 8470 OF 2013 2 S/O.LATE BAPPU ALIAS PAREEKKUTTY, KODUVANPARAMBIL 7 NASEEMA AGED 36 YEARS BY ADVS. SRI.N.SUBRAMANIAM SRI.P.T.GIRIJAN SRI.M.S.NARAYANAN SMT.USHA NARAYANAN RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM-1. 2 DISTRICT COLLECTOR THRISSUR DISTRICT, COLLECTORATE, THRISSUR-680003. 3 THE TAHSILDAR THALAPPILLY TALUK, THRISSUR DISTRICT-680582. 4 VILLAGE OFFICER PERUMPILAVU VILLAGE, THRISSUR DISTRICT-680519. 5 NASEER S/O.LATE BAPPU ALIAS PAREEKKUTTY, KODUVANPARAMBIL BY ADVS. GOVERNMENT PLEADER WP(C) NO. 8470 OF 2013 3 OTHER PRESENT: SRI.B.S.SYAMANTAK, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 8470 OF 2013 4

P.V.KUNHIKRISHNAN, J ----- W.P.(C.) No. 8470 of 2013 ----- Dated this the 27th day of March, 2024

JUDGMENT

The above writ petition is filed with following prayers :

(i) Issue a writ of mandamus, directing the respondents

not to enter into the properties owned and possessed by the petitioners under Exhibits P1, P2 & P3, sale deeds and situated in Sy. Nos. 662, 663, 668 and 669 of Perumpilavu Village, Thalappilly Taluk, Thrissur District, or to measure the properties, or interfere with the possession and enjoyment of their properties under any guise or reason without any orders, either from the Land Tribunal, Thrissur in r.c. 1/2010 OR with

notice to the petitioners and after hearing the petitioners.

(ii) Pass such other orders which this Hon'ble Court deems fit to pass in the facts and circumstances of the case. [sic]

2. The main prayer in this writ petition is to issue

WP(C) NO. 8470 OF 2013 5 direction to respondents not to enter into the properties owned and possessed by the petitioners and measure the properties or interfere with the possession and enjoyment of the properties under the guise of any reason without any orders either from the Land Tribunal, Thrissur in the pending matter or from the Sub Court, Thrissur in OS No. 756/2010. Admittedly, no orders are passed by the Land Tribunal and the Sub Court as on the date of filing the writ petition. If any orders are passed by the Land Tribunal or the civil court, the authorities concerned will obey the same. If there is any fresh cause of action, the petitioners are free to agitate the same separately. With the above observation, this writ petition is closed. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS
WP(C) NO. 8470 OF 2013 6 APPENDIX OF WP(C) 8470/2013 RESPONDENT ANNEXURES ANNEXURE R2(a) TRUE COPY OF THE HEARING NOTICE DATED 07.09.2023.

Exhibit R3(a): A true copy of the Revised order No.TLB (SM) 238/TPY dated 03.10.2009 of TLB, Talappilly. Exhibit R3(b): A true copy of the Revised order No.TLB (SM) 239/TPY dated 03.10.2009 of TLB, Talappilly.

Exhibit R3(c): True copy of the Mahazar dated 2.01.2010 of Perumbilavu Village

Exhibit R3(d): True copy of the Mahazar dated 01.01.2010 of Arthat Village Exhibit

R3(e): A true copy of the notification dated the District Collector, Thrissur. Exhibit

R3(f): A true copy of the judgment dated 06.01.2010 in CRP No.5/2010

PETITIONER ANNEXURES Exhibit P1-Photostat copy of Sale deed No. 935/75 dated 24..05..1975 in the name of the 1st Petitioner.

Exhibit P2. Photostat copy of Sale deed No. 933/75 dated 24..05..1975 in the name of the 2nd Petitioner. Exhibit P3, Photostat copy of Sale deed No. 934/75 dated 24..05..1975 in the name of Bapu alias Pareekutty. WP(C) NO. 8470 OF

2013 7 predecessor of petitioners 3 to 7. Exhibit P4 (a), (b), (c), (d), (e), & (f). - Tax receipts dated 26..07..2008, 26..07..2008, 30..10..2006, 30..10..2006, 11..07..2005 & 11..07..2005 obtained in the names of petitioners.

Exhibit P5. True copy of R.C. 1/2010 dated 05..02..2010 on the file of Land Tribunal Trichur files by the 1" Petitioner EXT.P6 TRUE COPY OF LETTER DATED 16.1.2013 FROM RUBBER BOARD REGIOINAL OFFICE TO THE 1ST PETITIONER ALLOWING SUBSIDY RECEIVED ON 3.7.2013 EXT.P7 TRUE COPY OF LETTER DATED 16.1.2013 FROM RUBBER BOARD REGIOANL OFFICE TO THE 2ND PETITIONER ALLOWING SUBSIDY RECEIVED ON 3.7.2013

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