

The Secretary, vs Sub Collector

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SooperKanoon Citation : sooperkanoon.com/1313341

Court : Kerala

Decided On : Mar-01-2024

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : WP(C)/8347/2024

Appellant : The Secretary,

Respondent : Sub Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 1ST DAY OF MARCH 2024 / 11TH PHALGUNA, 1945
WP(C) NO. 8347 OF 2024 PETITIONER: THE SECRETARY,AGED 40
YEARS SRI HANUMAN DEVALAYAM MOOLAKKANDAM,
REGD.NO.172/91, MOOLAKANDAM, ANANDASRAMAM P.O. AJANUR
VILLAGE, HOSDURG TALUK, KANHANGAD, KASARAGODE., PIN -
671531 BY ADVS. K.SUJAI SATHIAN PREETHI. P.V. M.V.BALAGOPAL
MARY LIYA SABU T.SETHUMADHAVAN (SR.) RESPONDENTS: 1
SUB COLLECTOR KANHANGAD OFFICE OF THE SUB DIVISIONAL
MAGISTRATE KANHANGAD KASARAGODE., PIN - 671315 2 THE
TAHSILDAR, HOSDURG KANHANGAD, KASARAGODE., PIN - 671315
3 THE VILLAGE OFFICER, AJANUR P.O.,HOSDURG

KANHANGAD,KASARAGODE., PIN - 671531 4 RAMANI.M., WIFE OF ANEESH, MOOLAKANDAM, NEAR SREE HANUMAN DEVALAYAM, ANANDASRAMAM P.O. AJANUR VILLAGE, HOSDURG TALUK, KANHANGAD, KASARAGODE., PIN - 671531

OTHER PRESENT: SR.GP - DEEPA NARAYANAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) No.8347 of 2024 2

VIJU ABRAHAM, J.

W.P (C) No.8347 of 2024 Dated this the 1st day of March, 2024

JUDGMENT

Petitioner has approached this Court challenging Ext.P6.

2. Petitioner claims to be the Secretary of Sree Hanuman

Devalayam, Moolakandam which was established 80 years back by the association. The property where the temple is situated is a Government puramboke land. Since the abovesaid land is highly essential for the enjoyment of the temple, an application for assignment of land was filed which is pending consideration with the Government and the proceedings thereon are almost finalised and Ext.P3 communication to that effect was issued by the Government. As the petitioner association could not pay the amount due towards the land value at that time, the further proceedings in the application for land assignment did not happen thereafter. Thereupon petitioner association submitted a fresh application during 2011 wherein Ext.P4 communication was issued intimating that assignment of land to the temple can be considered after getting the no objection certificate from the Ajanur Grama Panchayat. Thereafter various steps were taken to finalise the assignment of land. Petitioner submits that the 4th respondent is also trying to get

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assignment of a portion of the land which is in the possession of the petitioner association and has filed an application for assignment of land for the beneficial enjoyment of the registered holding. The matter was discussed by the revenue officials with the petitioner and the petitioner has agreed to provide land having a width of one metre for her way to the PWD road on the east. However the 4th respondent demanded for more extent of land so as to provide a road having a width of three metres through the temple property. Petitioner submits that if the said relief is granted it will result in demolition of the bhandaram as well as the nadappandhal of the temple. While so Ext.P6 communication was issued to the petitioner wherein a direction was issued to the Tahsildar to assign land in the possession of the temple for providing a road to the 4th respondent. It is stated in Ext.P6 communication that the land required to provide a way to the residence of the 4 th respondent shall be left left out from the land to be assigned to the petitioner association. It is aggrieved by the same petitioner has approached this Court. Petitioner submits that the true factual situation has been brought to the notice of 3rd respondent by Ext.P7 request. Petitioner further submits that before considering Ext.P7 if any proceedings pursuant to Ext.P6 is initiated, the association will be put to serious hardships inasmuch as to provide a way to the 4th respondent the bhandaram and nadapandhal of the

temple had to be removed. Petitioner also submits that copies of WP(C) No.8347 of 2024 4 Ext.P7, though addressed to the 3 rd respondent, have been served on respondents 1 and 2 also.

3. Heard the learned Government Pleader also. After hearing both sides, I am inclined to dispose of the writ

petition with a direction to the 1st respondent to take appropriate decision on Ext.P7 at the earliest, at any rate, within an outer limit of two months from the date of receipt of a copy of the judgment, after affording an opportunity of being heard to the petitioner and the 4 th respondent. Till a decision is taken as directed above, all further proceedings pursuant to Ext.P6 shall remain stayed.

With the abovesaid directions the writ petition is disposed of. Sd/- VIJU ABRAHAM
JUDGE cks

