

Rappai vs State of Kerala

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Court : Kerala

Decided On : Jun-01-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/12482/2014

Appellant : Rappai

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945 WP(C) NO. 12482 OF 2014 PETITIONER: RAPPAI AGED 60 YEARS, S/O.LONAPPAN, PARAKAL HOUSE, PUTHUR VILLAGE, THRISSUR TALUK BY ADV SRI.G.SREEKUMAR (CHELUR) RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001. 2 THE DISTRICT COLLECTOR COLLECTORATE, AYYANTHOLE, 3 THE SPECIAL TAHSILDAR LAND ASSIGNMENT, THRISSUR TALUK, 4 THE DIVISIONAL FOREST OFFICER THRISSUR RANGE,

IS IMPLEADED AS ADDL R4 AS PER ORDER

DATED 01/11/2021 IN IA 1/2021 BY ADV. SRI.RIYAL DEVASSY - GP. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

DEVAN RAMACHANDRAN, J.

===== W.P.(C).No. 12482 of 2014
===== Dated this the 1st day of June, 2023

JUDGMENT

The petitioner seeks a direction to the respondents to grant him Pattayam in terms of Ext.P1 Order of Assignment of Registry, which he had obtained as early as in the year 1974. He alleges that, in spite of the fact that Ext.P1 had been issued so early, further action to favour him with a Pattayam has been delayed for no reason; and that thus, he has been constrained to approach this Court through this writ petition.

2. The learned counsel for the petitioner showed me that, in

fact, his client had earlier approached this Court, to obtain Ext.P2 judgment, wherein, it was recorded that his claim would be looked into, but that, in spite of it, no action had been completed. He thus prayed that this writ petition be allowed.

3. In response to the afore submissions of Sri.Vishnu

Rajagopal - learned counsel for the petitioner, the learned Government Pleader - Sri.Riyal Devassy, submitted that, by efflux of time, the land in question appears to have been notified as a Reserve Forest and that the records show that the petitioner's name is not in the list of persons eligible for Pattayam. He, therefore, prayed that this writ petition be dismissed.

3. I am afraid that I cannot find favour with the afore

:3: submissions of the learned Government Pleader, because, if Ext.P1 is a genuine document, then certainly, the competent Authority will have to account for the land that has been mentioned therein, which the petitioner is now claiming. One fails to understand how, in spite of Ext.P1 - if it is genuine - the Authorities can take a stand now that the land covered by it is a Reserve Forest, or that the petitioner's name is not in the list of beneficiaries.

4. I am, therefore, of the firm view that this is a matter that

should gain the urgent attention of the competent Authority, particularly because no action appears to have been completed even in spite of Ext.P2 judgment, which the petitioner says he had earlier obtained. Resultantly, I direct the 3rd respondent - Special Tahsildar, to immediately hear the petitioner and advert to Ext.P1 document; thus culminating in an appropriate order with respect to the issue of Pattayam to him, which shall be done not later than two months from the date of receipt of a copy of this judgment. I make it clear that, while the afore exercise is completed, the Special Tahsildar will be at full liberty to obtain necessary inputs from the 4th respondent - Divisional Forest Officer; and all such inputs will also be reflected into the resultant order. Sd/- DEVAN RAMACHANDRAN JUDGE anm :4: APPENDIX OF WP(C) 12482/2014 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE ORDER OF THE ASSIGNMENT ON REGISTRY ISSUED AS LAP 510/PTR DATED 31/12/74 EXHIBIT P2 A TRUE COPY OF THE JUDGMENT IN OP NO.15121/02 DATED 12/9/02 ON THE FILE OF THIS HON'BLE COURT

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