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O.U.Alias vs the District Collector

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Court : Kerala

Decided On : Jan-28-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/2952/2022

Appellant : O.U.Alias

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 WP(C) NO. 2952 OF 2022 PETITIONER: O.U.ALIAS, AGED 62 YEARS, S/O LATE ULAHANNAN, RESIDING AT OONNUKALLUNGAL HOUSE, MANNAMANGALAM P.O.THRISSUR DISTRICT-680 014. BY ADVS. T.C.SURESH MENON P.BHASKARAN DEEPAK.B RESPONDENTS: 1 THE DISTRICT COLLECTOR, 1ST FLOOR, CIVIL STATION, CIVIL LINES ROAD, KALYAN NAGAR, AYYANTHOLE, THRISSUR-680 003. 2 REVENUE DIVISIONAL OFFICER, THRISSUR CIVIL LINES ROAD, KALYAN NAGAR, AYYANTHOLE, THRISSUR-680 014.

3 TAHSILDAR TALUK OFFICE, THRISSUR, WEST PALACE ROAD, CHEMBUKKAV, THRISSUR-680 020 SMT. MABEL C KURIEN - SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner - amidst the various averments, assertions and contentions made and urged in this Writ Petition - only seeks that the 3rd respondent - Tahsildar be directed to complete the proceedings pursuant to Ext.P10, within a time frame to be fixed by this Court. He says that since no action has been taken by the Tahsildar for the last more than 11 years, he was constrained to prefer Ext.P11 before him, but that still nothing has been done. He, therefore, prays that the said Authority be directed to the complete proceedings pursuant to Ext.P10, adverting to Ext.P11 without any further delay.

2. The afore submissions made by Sri.T.C.Suresh Menon,

on behalf of the petitioner, were answered by Smt.Mable C. Kurian - learned Senior Government Pleader, saying that if action pursuant to Ext.P10 has not yet been completed, the Tahsildar will certainly do so without any avoidable delay. She, however, prayed that this Court may not make any affirmative declarations on the entitlement of the petitioner to any relief and leave it to the competent Authority to take a final decision as per law. Taking note of the afore submissions, I order this Writ Petition and direct the 3rd respondent - Tahsildar to complete the proceedings pursuant to Ext.P10 - if it is still pending - and dispose it of, adverting to Ext.P11 and after affording the petitioner an opportunity of being heard; thus culminating in an appropriate order and necessary action thereon, as expeditiously as is possible, but not later than three months from the date of receipt of a copy of this judgment. If, on the contrary, action pursuant to Ext.P10 has already been completed, the resultant order thereon shall be communicated to the petitioner in the address shown in this Writ Petition through Registered Post/AD, within a period of one month from today, so as to enable him to take further recourse in

law, if so required. Sd/- RR DEVAN RAMACHANDRAN JUDGE APPENDIX OF WP(C) 2952/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 7.2.1963 Exhibit P2 TRUE COPY OF LETTER ISSUED BY SPL. TAHASILDAR TO SMT SARAMMA DATED 31.5.1972 Exhibit P3 TRUE COPY OF THE PATTA ISSUED BY 3RD RESPONDENT TO THE PETITIONER DATED 1.2.1996 Exhibit P4 TRUE COPY OF THE TREASURY CHALLAN DATED 3.2.1996 Exhibit P5 TRUE COPY OF THE JOINT VERIFICATION REPORT DATED 22.4.93 Exhibit P6 TRUE COPY OF THE PATTA CANCELLATION

ORDER ISSUED BY 3RD RESPONDENT DATED

13.7.2001 Exhibit P7 APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 15.5.2009 Exhibit P8 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE HIGH COURT IN WPC 30094 OF 2008 DATED 18.11.2008 Exhibit P9 TRUE COPY OF THE ORDER ISSUED BY 1ST RESPONDENT DATED 18.2.2009 Exhibit P10 TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 15.6.2010 Exhibit P11 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 10.1.2022

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