

Chellappan vs State of Kerala

Chellappan vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1506506

Court : Kerala

Decided On : Jul-26-2022

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/24094/2022

Appellant : Chellappan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI TUESDAY, THE 26TH DAY OF JULY 2022 / 4TH SRAVANA, 1944 WP(C) NO. 24094 OF 2022 PETITIONERS: 1 CHELLAPPAN AGED 73 YEARS S/O VELAYUDHAN, RESIDING AT KALANGATT HOUSE, POYYACHIRA, KAKANAD VILLAGE AND KARA, KAKKANAD P.O, ERNAKULAM, PIN - 682030 2 LALITHA AGED 63 YEARS W/O CHELLAPPAN, RESIDING AT KALANGATTIL HOUSE, POYYACHIRA, KAKANAD VILLAGE AND KARA, KAKKANAD P.O, ERNAKULAM, PIN - 682030 BY ADVS. P.M.MANOJ S.RUSSEL V.R.ARUN HAMZATH ALI V.K. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,

GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE LAND REVENUE COMMISSIONER KERALA O/O THE COMMISSIONER OF LAND REVENUE, REVENUE COMPLEX, PUBLIC OFFICE BUILDINGS, MUSEUM ROAD, OPPOSITE ZOO, VIKHAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695033

3 THE DISTRICT COLLECTOR ERNAKULAM, COLLECTORATE, KAKKANAD, ERNAKULAM, PIN - 682030 WP(C) NO. 24094 OF 2022 2 4 THE TAHSILDAR KANAYANNUR TALUK, TALUK OFFICE, KANAYANNUR, ERNAKULAM PIN - 682011 5 THE VILLAGE OFFICER KAKKANAD VILLAGE, VILLAGE OFFICE, KAKKANAD, ERNAKULAM PIN - 682030 SRI. BIMAL K. NATH, SR.GP. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 24094 OF 2022 3

T.R. RAVI, J.

----- W.P.(C)No.24094 of 2022
----- Dated this the 26th day of July, 2022

JUDGMENT

Admit. Government Pleader takes notice for the respondents. The petitioners intend to transfer the property which had been obtained on assignment. Even though the Kerala Land Assignment Rules only provided that there should be no alienation within three years, the patta that is issued to the petitioners shows 25 years as the period for which the pattadar has to hold the property without effecting any transfer. The period was later reduced to 12 years. The petitioners submit that 12 years are already over and there can be no restriction from alienation in this case. The request made by the petitioners was rejected by the District Collector and the petitioners had preferred Ext.P5 before the 2nd respondent. The Government Pleader, on instructions, submits that Ext.P5 has been received. In such circumstances, the writ petition is disposed of directing the

2nd respondent to take up Ext.P5 and dispose of the same after hearing petitioners, at the earliest, at any rate, within a WP(C) NO. 24094 OF 2022 4 period of three months from the date of receipt of a copy of this

judgment.

Sd/- T.R.RAVI JUDGE LEK WP(C) NO. 24094 OF 2022 5 APPENDIX OF WP(C) 24094/2022 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE PATTA BEARING NO. 11812 DATED 12.01.2010 ISSUED BY THE 4TH RESPONDENT Exhibit P2 A TRUE COPY OF THE GOVERNMENT ORDER GO(P) NO. 60/2017/RD DATED 17.08.2017 Exhibit P3 A TRUE COPY OF THE APPLICATION PREFERRED BY PETITIONERS BEFORE THE 3RD RESPONDENT DATED 07.02.2022 Exhibit P4 A TRUE COPY OF THE ORDER OF 3RD RESPONDENT DATED 25.03.2022 BEARING FILE NO. 1537/2022/L1 Exhibit P5 A TRUE COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 22.05.2022 Exhibit P6 A TRUE COPY OF THE POSTAL RECEIPT FOR ISSUANCE OF EXHIBIT P5 NOTICE DATED 14.05.2022

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com