



GOVERNMENT OF KERALA

Abstract

Revenue Department- WP(C) No 13712/09(H) before Hon'ble High Court of Kerala filed by Shri. K.K. Madhusoodhanan- Compliance of judgment - Orders issued.

Revenue(U)Department

GO(Ms) No. 327/09/RD Thiruvananthapuram Dated 19/08/2009

- Read :
1. Petition dated 30.01.2009 from Shri. K.K. Madhusoodhanan.
 2. Government letter No 8304/U1/09/RD dated 06.03.2009 .
 3. Petition dated 22.04.2009 from Shri. K.K. Madhusoodhanan.
 4. Judgment dated 23.05.2009 in WP(C) No 13712/09(H).
 5. Letter No LRJ3- 24629/09 dated 07.07.2009 from the Commissioner of Land Revenue, Thiruvananthapuram.

ORDER

Shri. K.K. Madhusoodhanan, Kamala Bhavan, Vellar, Thiruvananthapuram as per his petition read as 1st paper above, has requested to Government to set aside the orders of Tahsildar and Sub Collector who had rejected his application for assigning an extent of 3.25 cents of land comprised in R.S No 25/8 (Old Sy. No. 106/2) of Vengannor village in favour of him. But the Government as per the letter read as 2nd paper above, has advised the petitioner to file an appeal before the District Collector as per provisions contained in the Kerala Land Assignment Rules. As the District Collector has rejected his appeal petition, the petitioner filed revision petition before the Government and filed WP(C) 13712/09 (H) before the Hon'ble High Court of Kerala. While his revision petition was being examined by Government, the Hon'ble high Court as per its judgment read as per 4th paper above has directed the Government to pass orders on the revision petition preferred against the appellate order passed by the RDC, invoking the powers vested with the Government under Rule 21 to examine the orders passed by the subordinate authority.

The counsel of the petitioner has been heard. On perusal of records it has been found that the land in question is a part of road puamboke, which is under the control of Public Works Department. The main argument of the petitioner is that the said plot lies between his property and the road. His apprehension is that if the land is assigned to anybody, access to his property will be hindered. To prevent such an eventuality the petitioner has applied for assignment. Moreover, it is clear from the report read as 5th paper above of

the Commissioner, Land Revenue dated 07.07.2009, that the Public Works Department has reported that the land is road puramboke and is not assignable. It is also clear from the report submitted by the revenue officials, that the said land is used by the public at large. The sketch produced by petitioner also shows that the land forms part of the road puramboke.

Government after having examined the matter in detail order that the request of the petitioner, Shri. K.K. Madhusoodhanan, Kamala Bhavan, Vellar, Thiruvananthapuram for assignment of an extent of 3.25 cents of land in Sy. No.25/8 cannot be considered and is rejected. The above land shall not be assigned to anybody as it is a part of the road puramboke and for ensuring that the access to the petitioner's property is not hindered.

The District Collector, Thiruvananthapuram will take necessary action in this regard under intimation to Government.

The orders of Hon'ble High Court of Kerala in judgment dated 23.05.2009 in WP(C) No. 13712/09 is thus complied with.

(By Order of the Governor)
Dr. Nivedita . P. Haran
Principal Secretary

To

The Advocate General, Ernakulam.

The Commissioner, Land Revenue, Thiruvananthapuram.

The District Collector, Thiruvananthapuram.

The Accountant General (A&E/Audit), Thiruvananthapuram.

The Tahsildar, Thiruvananthapuram.

Adv. S.J. Jayaram, T.C. 27/1034, Navasakthi Building,

Office No.1, 1st Floor, Opp: Police Station, Vanchiyoor. P O Thiruvananthapuram.

Shri. K.K. Madhusoodhanan, Kamala Bhavan, Vellar, Thiruvananthapuram.

The Executive Director, Information Mission, Kerala, Thiruvananthapuram.

(for publishing in the Government website)

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