

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY, 2020/22ND VAISAKHA, 1942

W.P(C) NO. 9862 OF 2020

PETITIONERS:

- 1 KERAL BANGA SAMSKRITI SANGHA
KANJILAL BHAVAN, PONOTH ROAD, KALOOR
KOCHI - 17 REPRESENTED BY ITS PRESIDENT
SMT. BASANA ROY CHOUDHURY

- 2 PRADEEP KUMAR GUHA, NO. 16/380,
JYOTSNA NIVAS, AMBALAKADAVU ROAD,
CHERANELLOOR P.O., KOCHI - 34

BY ADVOCATES

SRI. K. SRIKUMAR, [SR]
SRI. K. MANOJ CHANDRAN]

RESPONDENTS:

- 1] THE TAHSILDAR, KANAYANNOOR TALUK,
KANAYANNOOR TALUK OFFICE, ERNAKULAM-682 011

- 2] THE DISTRICT COLLECTOR
COLLECTORATE, ERNAKULAM DISTRICT,
ERNAKULAM-682 030

- 3] THE COMMISSIONER OF LAND REVENUE
DEPARTMENT OF REVENUE, THIRUVANANTHAPURAM-695 001

- 4] STATE OF KERALA REPRESENTED BY
SECRETARY TO REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SRI.K.P.HARISH

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Admit.

2. The learned Government Pleader takes notice for R1 to R4.

3. I have heard the learned Senior Counsel Sri. K. Shrikumar appearing on instructions of Adv. Sri. K. Manoj Chandran for the petitioners and the learned Government Pleader for the respondents.

4. The learned senior counsel would submit that the proceedings were finalised without affording an opportunity of hearing to the petitioner. Considering the fact that the take over was as early as on 20.02.2020, I do not think that any interim order other than an order restraining the Government from re-allotting the land which was earlier allotted to the petitioner can be granted.

5. Accordingly, there will be an interim order directing that the respondents shall not re-allot the land, which was

originally allotted to the petitioner through Ext.P1 and P2 to any other person or organisation for a period of two months.

Post immediately after filing of counter affidavit.

**GOPINATH P.
JUDGE**

ncd

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P-1: TRUE COPY OF THE NOTIFICATION DATED 17-01-1992

EXT.P-2: TRUE COPY OF THE LEASE DEED DATED 15-06-1992

EXT.P-3: TRUE COPY OF THE NOTICE DATED 03-01-2009

EXT.P-4: TRUE COPY OF THE REPLY DATED 12-01-2009

EXT.P-5: TRUE COPY OF THE LETTER DATED 19-01-2009

EXT.P-6: TRUE COPY OF THE COVERING LETTER DATED 23-03-2018

EXT.P-7: TRUE COPY OF THE RECOVERY NOTICE DATED
03-05-2018

EXT.P-8: TRUE COPY OF THE CHEQUE AND D.D. EVIDENCING
REMITTANCE OF THE AMOUNT OF RS.37,660-00 AND
RS.5,00,000-00

EXT.P-9: TRUE COPY OF THE LETTER DATED 02-09-2019

EXT.P-10: TRUE COPY OF THE SHOW CAUSE NOTICE DATED
14-10-2019

EXT.P-11: TRUE COPY OF THE LETTER DATED 21-11-2019

EXT.P-12: TRUE COPY OF THE REPLY DATED 22-12-2019