

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Wednesday, the 24th day of March 2021/3rd Chaithra, 1943IA/5/2019 IN WP(C)/1126/2013(M)PETITIONERS/PETITIONERS

1. ADIVASI DALIT MANNETA SAMITHI,
REG.NO 344/13, HEAD OFFICE KASARAGOD,
REPRESENTED BY ITS PRESIDENT`
2. RATHEESH, AGED 29,
S/O.T.K.GOPI, THEKKEKKARAVEEDU, PAMPAVALLEY NORTH P.O.,
ERUTHWAPUZHA, KOTTAYAM.
3. SUNIL S, AGED 32,
S/O.SURENDRAN , NEDUPPARAMUKALIL, PULIKUZHI P.O., MELEMANOOR,
KOLLAM.
4. JOSEPH, AGED 60,
S/O.THOMAS PALLIMACHIL, KUNNEL P.O., ARYANKAVU (VIA)
KULATHOOPUZHA, KOLLAM.

RESPONDENTS/RESPONDENTS

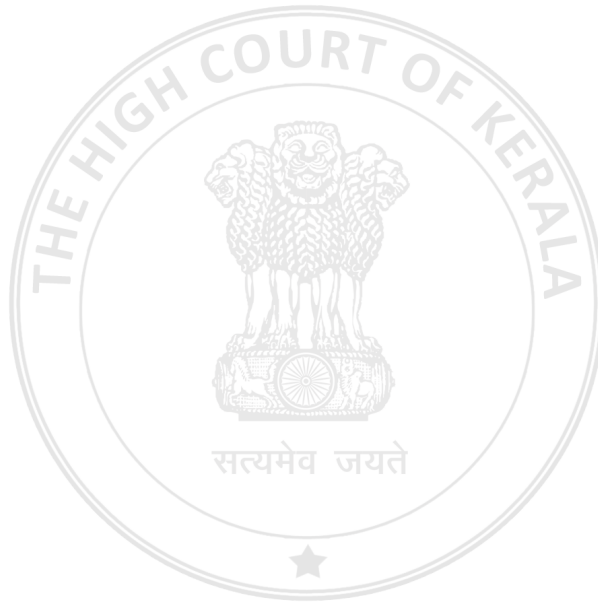
1. STATE OF KERALA TO BE REPRESENTED BY SECRETARY
REVENUE(A) DEPARTMENT, GOVERNMENT OF KERALA ,
THIRUVANANTHAPURAM-695001.
2. ADDITIONAL LAND REVENUE COMMISSIONER,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695001.
3. DISTRICT COLLECTOR,
KOLLAM-691001.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to direct the 3rd respondent to receive I.D. proof and ration cards of all excluded 55 in the list of 91 referred to in I.A.2/2019 and take decision on it, subject to the result of writ petition.

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of M/S K.S.MADHUSOODANAN, K.S.MIZVER, M.M.VINOD KUMAR, P.K.RAKESH KUMAR and THOMAS CHAZHUKKARAN, Advocates for the petitioners in I.A./WP(C) and of Sri. Y. JAFAR KHAN, GOVERNMENT PLEADER for R1 to R3 in I.A./WP(C), the court passed the

following.

For information purpose only



RAJA VIJAYARAGHAVAN V, J

I.A. No.5 of 2019
in
W.P.(C).No.1126 of 2013

Dated this the 24th day of March, 2021

For information purpose only

ORDER

In the additional statement filed by the 3rd respondent on 12.07.2019, in paragraph Nos.7 and 8 it is stated as follows:

" 7. As per the direction of this Hon'ble High Court in IA 2/19 , W.P.(C) 1126/13 to collect the data of 91 families, a field verification by the Revenue Officials were conducted on 08.07.2019 and it is found that out of 91 families, only 37 families are permanently residing there. On enquiry, it is known that about 28 families visit their hut occasionally and their data are not available. The rest of the families left the land and now residing in their home town. The land in question is under the surveillance of the Revenue, Forest and Police Force to avoid chances of unnecessary events.

8. The Revenue Officials, after collecting necessary details regarding the persons who are occupying the land prepared a list. However, these people may have landed property in other area. Hence, the Revenue Authority has to verify regarding the eligibility of those persons as well. The list of the aforesaid 37 persons are provided herein after."

2. A list detailing the name and details of 37 residents is also provided.

3. Sri. K.S. Madhusoodanan, the learned counsel appearing for the petitioners, submitted that the persons who have been excluded belonged to the Scheduled Castes and Scheduled Tribes and they were remaining idle for months together and waiting for the inspection. However, in order to sustain themselves and to make both ends meet, they had to leave their house. It was on 09.07.2019 that the excluded persons were asked to produce the ID proofs as well as the ration card before 12'o clock. However, stating that the records were not submitted before the cut off period, they were removed from the list. It is submitted that the excluded persons are having ration cards as well as valid ID Proofs and his prayer is for a direction to the 3rd respondent to receive the same and take a decision.

4. Sri. Y. Jafar Khan, the learned Government Pleader, has opposed the prayer. It is submitted that most of the individuals are trespassers who are not entitled to assignment of land.

5. I have considered the submissions advanced. I find from the application itself that the persons who have been excluded are having ID proof as well as the Ration Card showing that they have been residing in the area quite for some time. The only request made by the petitioners is for a direction to the 3rd respondent to consider the request made by the excluded persons with reference to their ID proof and Ration Card. I find no reason to reject the said request.

In the result, this application will stand allowed. A decision shall be taken

within a period of two months from today.

Tag this matter along with W.P.(C) No.23900 of 2016 and post after a month.

For information purpose only
Sd/-

**RAJA VIJAYARAGHAVAN V
JUDGE**

NS

