

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 28TH NOVEMBER 2008 / 7TH AGRAHAYANA 1930

WP(C).No. 34004 of 2008(W)

AA.45/2005 of APPELLATE AUTHORITY (LR), ALAPPUZHA

PETITIONERS:

**1. SMT.TREESA, AGED 78 YEARS, D/O.RAPHEL,
NEDUNILATH VEEDU, MARADU P.O.**

2. SMT.EMILY, AGED 76 YEARS, DO. DO.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

**1. T.K.BHARGAVIKUTTY, AGED 64 YEARS,
W/O.LATE DAMODARA MENON, THELAPARAMBIL,
PUTHIYAKAVU, TRIPUNITHURA.**

**2. T.K.RAMACHANDRAN, AGED 43 YEARS,
S/O.T.K.BHARGAVIKUTTY, DO. DO.**

**3. T.K.GANGADHARAN, AGED 41 YEARS,
S/O.T.K.BHARGAVIKUTTY, DO. DO.**

**4. T.K.LATHA, AGED 39 YEARS,
D/O.T.K.BHARGAVIKUTTY, DO. DO.**

BY ADV.SRI.DINESH R.SHENOY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/11/2008 ALONG WITH WPC NO. 30542 OF 2008, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

K.P. Balachandran, J.

W.P.(C)Nos.30542 & 34004 of 2008

JUDGMENT

W.P.(C)No.34004/08 is filed by respondents 1 and 2 in A.A.No.45/05 on the file of the Land Reforms Appellate Authority, Alappuzha seeking for an order quashing Exhibit P3 remand order and for direction being given to the Land Reforms Appellate Authority to consider the case on merits in the light of the additional documents produced before it and the hearing notes submitted by counsel for the parties. Same is the prayer in W.P.(C)No.30542/08 filed by the appellant in the said appeal against the same remand order passed by the appellate authority.

2. On going through the remand order, I am of the view that the appellate authority has not considered the case on merits, but has only attempted to cull out certain defects and has remanded the matter back to the Land Tribunal. According to the counsel in both these writ petitions, the dispute involved in the appeal is something that can be considered by the appellate authority on merits of the case rather than remitting

it back after such a length of time when the proceedings in the Land Tribunal started as early as in 1991, registering S.M.P.No.62/91.

In the result, I allow both these writ petitions, set aside the remand order in A.A.No.45/05 assailed in these writ petitions and direct the Land Reforms Appellate Authority, Alappuzha to consider on merits the contentions advanced by the appellant and respondents in A.A.No.45/05 in the light of the documents which are already produced before the Land Tribunal as also the additional documents produced by either side and the arguments notes submitted by them before the appellate authority and dispose of the said appeal afresh on merits within six months of a copy of this judgment being produced before him by either of the parties.

Issue copy of this judgment to counsel on both sides.

28th November, 2008

(K.P.Balachandran, Judge)

tkv