

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 30TH SEPTEMBER 2010 / 8TH ASWINA 1932

WP(C).No. 31773 of 2008(G)

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OA.13/2002 of LAND TRIBUNAL, KASARGOD  
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PETITIONER:

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POYAKKARA ILLATH AMED,  
S/O.(LATE) PATTILLATH ABDUL RAHIMAN,  
R/AT MANIKKOTH, AJANUR VILLAGE,  
P.O.MANIKKOTH, KASARAGOD.

BY ADV. MR.KODOTH SREEDHARAN

RESPONDENTS:

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1. LAND TRIBUNAL, KASARAGOD.
2. TAHSILDAR (LR), KASARAGOD.
3. STATE OF KERALA, REPRESENTED BY ITS  
SECRETARY, MINISTRY OF REVENUE,  
REVENUE DEPARTMENT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER MR.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 30/09/2010, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

WP(C).No. 31773 of 2008(G)

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: ORDER OF ASSIGNMENT DTD.18.2.2005 ISSUED BY THE LAND TRIBUNAL, KASARAGOD.
- EXT.P2: REVIEW PETITION DTD.27.8.2008 BEFORE THE LAND TRIBUNAL, KASARAGOD.
- EXT.P3: ORDER NO.L.DID/C2/1920/2008 DTD.00/09/2008 ISSUED BY R2 TO THE PETITIONER.
- EXT.P4: CERTIFICATE DTD.18.9.2007 ISSUED BY THE VILLAGE OFFICER TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

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// TRUE COPY //

P.A TO JUDGE.

**HARUN-UL-RASHID, J.**

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**W.P.(C).No.31773 Of 2008**  
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**Dated this the 30<sup>th</sup> day of September, 2010.**

**J U D G M E N T**

Petitioner is the applicant in O.A.No.13 of 2002 on the file of the Land Tribunal, Kasaragod. As per the order dated 18.2.2005 the petitioner was assigned 0.52 acres of land in R.S.No.80/10 in Ajanur Village in Hosdurg Taluk. Ext.P1 is the order of assignment passed by the Land Tribunal, Kasaragod. The case of the petitioner is that in Ext.P1 assignment order, by mistake, his father's name was shown as Kolavayal Mammunhi instead of Pattiath Abdul Rahiman. It is further stated by the petitioner that he is ignorant of English language and he came to know about the mistake only when the patta was produced before the Village Officer for paying tax on 8.5.2007. Immediately he filed application before the Land Tribunal for correcting the mistake. The application was rejected by order dated 31.8.2007 in I.A.No.26 of 2007. The application was rejected stating that the mistake is not a clerical one coming under Rule 136A of the Kerala Land Reforms (Tenancy) Rules. Petitioner also filed another petition on 27.8.2008 for correction along with a petition

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to condone the delay in filing the petition. Ext.P2 is the petition dated 27.8.2008. The Land Tribunal by Ext.P3 order again rejected the application stating that the application for correction has already been dismissed as per order in I.A.No.26 of 2007 dated 31.8.2007.

2. Petitioner produced Ext.P4 certificate dated 18.9.2007 issued by the Village Officer, Ajanur. It is certified that the name of the father of the petitioner is Pattiath Abdul Rahiman. It is submitted by the petitioner that his father's name is Pattiath Abdul Rahiman and the name of the father was mistakenly shown in the original application and therefore the same mistake crept in the assignment order as well. He has produced Ext.P4 certificate issued by the Village Officer which also shows his father's name is Pattiath Abdul Rahiman.

3. The Land Tribunal should have considered the request of the petitioner favourably and should have corrected the error arising from an accidental slip or omission. The mistake should have been corrected finding that the correction sought for is an error arising from an accidental slip or omission.

4. In the result, the order dated 31.8.2007 in I.A.No.26 of 2007 in O.A.No.13 of 2002 and Ext.P3 order are set aside. The correction sought for is allowed. The Land Tribunal, Kasaragod is directed to make necessary correction in Ext.P1 assignment order dated 18.2.2005.

The writ petition is disposed of as above.

**HARUN-UL-RASHID,  
Judge.**

bkn/-