

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR**

**&**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**FRIDAY, THE 28TH DAY OF FEBRUARY 2014/9TH PHALGUNA, 1935**

**WP(C).No. 30455 of 2013 (F)**  
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**PETITIONER :**  
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**K.G.SREENIVASAN EMBRANTHIRI, AGED 78 YEARS,  
S/O. GOPALAKRISHNAN EMBRANTHIRI, DURGA BHAVAN,  
KUMBALAM.P.O., ERNAKULAM.**

**BY ADVS.SRI.A.BALAGOPALAN  
SRI.A.RAJAGOPALAN  
SRI.P.R.JAYAKRISHNAN  
SRI.M.N.MANMADAN  
SRI.M.S.IMTHIYAZ AHAMMED  
SMT. JENNEYA MARIYAM PHILIP  
SRI. JOJO J.**

**RESPONDENT(S):**  
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- 1. COCHIN DEVASWOM BOARD,  
REPRESENTED BY ITS SECRETARY, DEVASWOM OFFICE,  
THRISSUR.**
- 2. SPECIAL TAHSILDAR,COCHIN DEVASWOM BOARD,  
REPRESENTED BY ITS SECRETARY,  
DEVASWOM OFFICE, THRISSUR.**

**R1 BY SRI.UNNIKRISHNAN V.ALAPATT, SC, COCHIN DEVASWOM BOARD  
SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD  
R2 BY SR GOVERNMENT PLEADER SRI.R.PADMARAJ**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 28-02-2014, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**WP(C).No. 30455 of 2013 (F)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- P1. TRUE COPY OF THE PARTITION DEED NO. 1396/1968 OF THE S.R.O.,  
THRIPUNITHRUA.**
- P2. TRUE COPY OF THE BASIC TAX PAID RECEIPT NO. 2901952 DATED 3-2-12  
ISSUED BY THE VILLAGE OFFICER, KUMBALAM VILLAGE SHOWING PAYMENT  
OF BASIC TAX BY THE PETITIONER.**
- P3. TRUE COPY OF THE NOTICE DATED 23-9-2013 ISSUED BY THE SECOND  
RESPONDENT TO THE PETITIONER.**
- P4. TRUE COPY OF THE REPRESENTATION DATED 9-10-13 SUBMITTED BY THE  
PETITIONER BEFORE THE SECOND RESPONDENT.**
- P5. TRUE COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT NO. B.  
293/08 DATED 13-11-13.**
- P6. TRUE COPY OF THE NOTICE UNDER RULE 11 OF THE LAND CONSERVANCY  
RULES BEARING NO. NO. B. 293/08 SERVED ON THE PETITIONER.**

**RESPONDENT(S)' EXHIBITS: NIL**

**/TRUE COPY/**

**P.A.TO.JUDGE**

**sts**

**T.R. RAMACHANDRAN NAIR  
&  
K. ABRAHAM MATHEW, JJ.**

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**W.P. (C) No. 30455 of 2013**  
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Dated this the 28<sup>th</sup> day of February, 2014.

**JUDGMENT**

T.R. Ramachandran Nair, J.

This writ petition is filed by the petitioner aggrieved by Exhibit P5 proceedings of the Special Tahsildar, Cochin Devaswom Board. According to the petitioner, the said order has been issued without conducting a proper survey of properties in question. Learned Standing Counsel who appeared for the Cochin Devaswom Board opposed the contentions of the petitioner. It is also submitted that many of the other parties have already availed the statutory remedy by filing appeal before the Revenue Divisional Officer. In that view of the matter we direct the petitioner to take up the matter before the Revenue Divisional Officer by filing an appeal. The order is dated 13.11.2013 and the writ petition was filed on 09.12.2013. Therefore, we grant 30 days from today for the petitioner to file an appeal against Exhibit P5 and if such an appeal is filed the competent authority will consider various

aspects after hearing both sides.

Writ petition is accordingly disposed of.

**T.R. RAMACHANDRAN NAIR**  
**JUDGE**

**K. ABRAHAM MATHEW**  
**JUDGE**

DMR/-