

**15 -ാം കേരള നിയമസഭ**

**13 -ാം സമ്മേളനം**

**നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 1522**

**12-02-2025 - ൽ മറുപടിയ്ക്ക്**


**വയനാട്ടിലെ ചെമ്പ്ര രാജഗിരി എസ്റ്റേറ്റുകളിലെ മിച്ചഭൂമി**

| ചോദ്യം           |   | ഉത്തരം   |   |
|------------------|---|--|---|
| ശ്രീമതി ഉമ തോമസ് |   | ശ്രീ. കെ. രാജൻ<br>(റവന്യൂ-ഭവനനിർമ്മാണ വകുപ്പ് മന്ത്രി) |   |
| (എ)              | വയനാട്ടിലെ ചെമ്പ്ര എസ്റ്റേറ്റിൽ എത്ര മിച്ചഭൂമി ഉണ്ടെന്നാണ് 1976-ൽ താലൂക്ക് ലാൻഡ് ബോർഡ് ഉത്തരവിറക്കിയത്; അതിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ;             | (എ)  | <p>റ്റി.എൽ.ബി 902/73 നമ്പർ മിച്ചഭൂമി കേസിലെ 1976-ലെ ഉത്തരവ് പ്രകാരം 775.40 ഏക്കർ ഭൂമിയാണ് ചെമ്പ്ര എസ്റ്റേറ്റിൽ നിന്നും ഏറ്റെടുക്കാൻ ഉത്തരവായിട്ടുള്ളത്. ഉത്തരവിന്റെ പകർപ്പ് അനുബന്ധം 1 ആയി ചേർക്കുന്നു.</p> <p>എന്നാൽ തുടർന്ന് സി.ആർ.പി. 2255/76-ലെ 19/11/76-ലെ ബഹു.ഹൈക്കോടതിയുടെ വിധിന്യായത്തിന്റെ അടിസ്ഥാനത്തിൽ വിഷയം പുന:പരിശോധിക്കുകയും ചെമ്പ്ര എസ്റ്റേറ്റിൽ നിന്നും 213.11 ഏക്കർ ഏറ്റെടുക്കാൻ വൈത്തിരി താലൂക്ക് ലാന്റ് ബോർഡ് 16/08/2012-ൽ തീരുമാനിച്ചിട്ടുണ്ട്. 213.11 ഏക്കറിൽ 109.57 ഏക്കർ നേരത്തെ ഏറ്റെടുത്തിരുന്നതും, ഏറ്റെടുക്കാനുണ്ടായിരുന്ന ബാക്കി 103.54 ഏക്കറിൽ കൽപ്പറ്റ വില്ലേജിലെ സർവ്വെ 659 ൽ ഉൾപ്പെട്ട 25 ഏക്കർ ഒഴികെ ബാക്കി 78.54 ഏക്കർ ഭൂമി Vested Forest ആണ്. പ്രസ്തുത 25 ഏക്കർ ഭൂമി തഹസിൽദാർ ഏറ്റെടുത്തിട്ടുള്ളതുമാണ്.</p> |
| (ബി)             | ഇതിന്മേൽ എന്തെല്ലാം നടപടികൾ സ്വീകരിച്ചുവെന്നും മിച്ചഭൂമി ഏറ്റെടുക്കാൻ കഴിഞ്ഞിട്ടുണ്ടോയെന്നും ഇല്ലെങ്കിൽ അതിന്റെ കാരണമെന്താണെന്നും വ്യക്തമാക്കാമോ; | (ബി)   | <p>റ്റി.എൽ.ബി 902/73 നമ്പർ മിച്ചഭൂമി കേസിലെ 1976-ലെ ഉത്തരവ് പ്രകാരം 775.40 ഏക്കർ ഭൂമിയാണ് ചെമ്പ്ര എസ്റ്റേറ്റിൽ നിന്നും ഏറ്റെടുക്കാൻ ഉത്തരവായിട്ടുള്ളത്. ഉത്തരവിന്റെ പകർപ്പ് അനുബന്ധം 1 ആയി ചേർക്കുന്നു.</p> <p>എന്നാൽ തുടർന്ന് സി.ആർ.പി. 2255/76-ലെ 19/11/76-ലെ ബഹു.ഹൈക്കോടതിയുടെ വിധിന്യായത്തിന്റെ അടിസ്ഥാനത്തിൽ വിഷയം പുന:പരിശോധിക്കുകയും ചെമ്പ്ര എസ്റ്റേറ്റിൽ നിന്നും 213.11 ഏക്കർ ഏറ്റെടുക്കാൻ വൈത്തിരി താലൂക്ക് ലാന്റ് ബോർഡ് 16/08/2012-ൽ തീരുമാനിച്ചിട്ടുണ്ട്. 213.11 ഏക്കറിൽ 109.57 ഏക്കർ നേരത്തെ ഏറ്റെടുത്തിരുന്നതും, ഏറ്റെടുക്കാനുണ്ടായിരുന്ന ബാക്കി 103.54 ഏക്കറിൽ കൽപ്പറ്റ വില്ലേജിലെ</p>  |

|      |  |      |   |
|------|--|------|---|
|      |  |      | സർവ്വെ 659 ൽ ഉൾപ്പെട്ട 25 ഏക്കർ ഒഴികെ ബാക്കി 78.54 ഏക്കർ ഭൂമി Vested Forest ആണ്. പ്രസ്തുത 25 ഏക്കർ ഭൂമി തഹസിൽദാർ ഏറ്റെടുത്തിട്ടുള്ളതുമാണ്.  |
| (സി) | വയനാട്ടിലെ രാജഗിരി എസ്റ്റേറ്റിൽ എത്ര മിച്ചഭൂമി ഉണ്ടെന്നാണ് 1976-ൽ വൈത്തിരി താലൂക്ക് ലാൻഡ് ബോർഡ് ഉത്തരവിറക്കിയത്; അതിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ; | (സി) | റ്റി.എൽ.ബി SW 1777/73-ാം നമ്പർ സീലിംഗ് കേസിൽ 23/01/1976-ലെ ഉത്തരവ് പ്രകാരം രാജഗിരി എസ്റ്റേറ്റിന്റെ 680.96 ഏക്കർ, മിച്ചഭൂമിയായി ഏറ്റെടുക്കുന്നതിന് ഉത്തരവായിട്ടുള്ളതാണ്. ആയതിന്റെ പകർപ്പ് അനുബന്ധം 2ആയി ചേർക്കുന്നു. ടി ഉത്തരവിനെതിരെ ഫയൽ ചെയ്ത CRP(LR) 263/2012(C)യിൽ ബഹു.ഹൈക്കോടതിയുടെ 19.11.2014-ലെ ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ വിഷയം പുന:പരിശോധിക്കുകയും SMC-26/81/V നമ്പർ സീലിംഗ് കേസിൽ 27/09/2016-ലെ ഉത്തരവ് പ്രകാരം 290.85 ഏക്കർ മിച്ചഭൂമിയായി ഏറ്റെടുക്കുന്നതിന് ഉത്തരവായിട്ടുള്ളതാണ്. ടി ഉത്തരവിനെതിരെ ബഹു.ഹൈക്കോടതിയിൽ ഫയൽ ചെയ്ത CRP(LR) 409/2016, CRP(LR) 436/2016 നമ്പർ കേസുകളിൽ ഉണ്ടായിട്ടുള്ള ഇടക്കാല ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ ഭൂമി ഏറ്റെടുക്കുന്നതിൽ തുടർ നടപടി സ്വീകരിക്കാൻ കഴിഞ്ഞിട്ടില്ല. |
| (ഡി) | ഇതിന്മേൽ എന്തെല്ലാം തുടർനടപടികൾ സ്വീകരിച്ചുവെന്നും നിലവിൽ മിച്ചഭൂമി ആരുടെ കൈവശമാണെന്നും വ്യക്തമാക്കാമോ?  | (ഡി) | റ്റി.എൽ.ബി SW 1777/73-ാം നമ്പർ സീലിംഗ് കേസിൽ 23/01/1976-ലെ ഉത്തരവ് പ്രകാരം രാജഗിരി എസ്റ്റേറ്റിന്റെ 680.96 ഏക്കർ, മിച്ചഭൂമിയായി ഏറ്റെടുക്കുന്നതിന് ഉത്തരവായിട്ടുള്ളതാണ്. ആയതിന്റെ പകർപ്പ് അനുബന്ധം 2ആയി ചേർക്കുന്നു. ടി ഉത്തരവിനെതിരെ ഫയൽ ചെയ്ത CRP(LR) 263/2012(C)യിൽ ബഹു.ഹൈക്കോടതിയുടെ 19.11.2014-ലെ ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ വിഷയം പുന:പരിശോധിക്കുകയും SMC-26/81/V നമ്പർ സീലിംഗ് കേസിൽ 27/09/2016-ലെ ഉത്തരവ് പ്രകാരം 290.85 ഏക്കർ മിച്ചഭൂമിയായി ഏറ്റെടുക്കുന്നതിന് ഉത്തരവായിട്ടുള്ളതാണ്. ടി ഉത്തരവിനെതിരെ ബഹു.ഹൈക്കോടതിയിൽ ഫയൽ ചെയ്ത CRP(LR) 409/2016, CRP(LR) 436/2016 നമ്പർ കേസുകളിൽ ഉണ്ടായിട്ടുള്ള ഇടക്കാല ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ ഭൂമി ഏറ്റെടുക്കുന്നതിൽ തുടർ നടപടി സ്വീകരിക്കാൻ കഴിഞ്ഞിട്ടില്ല. |

സെക്ഷൻ ഓഫീസർ

13. 1. 7 卷 76

മിനി നാം. ദാനം. വരിച്ചു. പ്രകൃതി മനസ്സ്. പൂർണ്ണമായി. fully,  
ചിട്ട, കിട്ടി. കൈ വെക്കുന്നതിനായി പറ്റിക്കാണെന്നും. മറ്റൊരു പീ 

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1. சென்னை நகரில் உள்ள சென்னை நகராட்சி  
 2. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 3. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 4. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 5. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 6. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 7. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 8. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 9. சென்னை நகராட்சி சென்னை நகரில் உள்ள  
 10. சென்னை நகராட்சி சென்னை நகரில் உள்ள

१. ...  
 २. ...  
 ३. ...  
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 ७. ...  
 ८. ...  
 ९. ...  
 १०. ...

[illegible]

1. The first part of the document is a list of names and addresses, which are arranged in a columnar fashion. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list is organized into three columns, with the names in the first column, the addresses in the second column, and the names in the third column.



4. The third point pressed was about exemption of 15.15 acres of land in Poonoor Estate and 38.97 acres in Chulika estate. The exemption of 15.15 acres of land was claimed on the ground that although there were areca trees on that area it was principally used for planting. The exemption in respect of the 38.97 acres of land was claimed on the ground that although that land was being used as single crop wet land it was principally used for tea plantation. The report of the authorised officer shows that although there are arecanut trees and paddy cultivation in these areas, they are interspersed with rubber and tea and that the 15.15 acres of land is used principally for rubber plantation and 38.97 acres of land is used principally for tea plantation. Therefore these areas have to be treated as plantations as defined under section 2(44) of the Act and the entire 54.12 acres of land (15.15 + 38.97) has to be exempted on that ground.

5. The only other point pressed was about exclusion of some lands for fuel purposes. The area claimed on this account for Poonoor estate was 190.94 acres and for the Chulika estate 1089.98 acres. The Taluk Land Board did not exempt any land for fuel purposes. The main reason for refusing the claim for exemption was that the company had not been granted exemption by Government. ~~that the company had not been granted exemption by Government of any land on this account.~~ Evidently the Taluk Land Board when it mentioned that had in view of section 81(3) of the Act. Exemption under Section 81(3) can be granted only by Government and that only if it is in public interest. The exemption claimed by the petitioner in ~~xxx~~ this case is not under Section 81(3) but under Section 81(I)(c) read with Section 2(44)(a) of the Act. Under section 2(44)(a) land used for any purpose ancillary to the cultivation of plantation crops or for the preparation of the same for the market also is "plantation". The authorised officer's report shows that although a small portion of this 190.94 acres is covered by road almost the whole area is planted with cashew and that Poonoor estate has to meet its fuel requirements from this area. Hence that area of 190.94 acres has to be exempted. Although the entire 1098.94 acres of land is mentioned in his report as being used by Chulika estate for fuel purposes the authorised office has expressed his opinion in the report that 50 acres was sufficient for fuel purposes for that estate. Counsel appearing for the revision petitioner submitted that if the area of 190.94 acres was exempted for fuel purposes for Poonoor estate he was not pressing the claim for exemption of the 1098.98 acres of land for the Chulika estate.

In the result the order of the Taluk Land Board is modified by reducing the extent of the land to be surrendered by the revision petitioner from 680.96 acres of land to 435.90 acres of land. To that extent alone this revision petition is allowed. In all other respects it shall stand dismissed. There is no order as to costs. Send the records to the concerned Taluk Land Board before December 19, 1976.

sd/-P.Narayana Pillai, Judge.

11th November 1976.

Order on CMP.4838/76 in CRP.1210/76.

/true copy

Dismissed. sd/-



AUTH  
 the Land Board.  
 Case No. ... 1777 of  
 the Tahiti Land Board.  
 as the Land Board has  
 in the notice of demand  
 authorised to accept the  
 If the person bound  
 to take possession  
 after the date specified  
 by you

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1900

The above is a list of the names of the persons who have been  
 appointed to the various positions in the office of the  
 Secretary of the Board of Education, for the year 1900-1901.  
 The names are given in the order in which they were appointed.  
 The names of the persons who have been appointed to the  
 positions of Secretary, Treasurer, and Clerk, are given in  
 the order in which they were appointed. The names of the  
 persons who have been appointed to the positions of  
 Superintendent, Assistant Superintendent, and  
 Inspector, are given in the order in which they were  
 appointed. The names of the persons who have been  
 appointed to the positions of Principal, Assistant  
 Principal, and Teacher, are given in the order in which  
 they were appointed. The names of the persons who have  
 been appointed to the positions of Librarian, Musician,  
 and other positions, are given in the order in which they  
 were appointed.

... ..  
... ..

DATE: 10/10/1964  
 NAME: [illegible]  
 ADDRESS: [illegible]



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20090

ഫോറം നമ്പർ 9

ഒഴിമുറിക്കുള്ള ഡിമാൻഡ് നോട്ടീസ്  
(17-ാം ചട്ടം നോക്കുക)

.....താലൂക്ക് ലാൻഡ് ബോർഡിൽ 1973.....ലെ  
.....നമ്പർ കേസ്.

**Petra Estates, Alleppey**.....

(ഇവിടെ പേരും മേൽവിലാസവും എഴുതുക)

നടപ്പിൽ ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിരിക്കുന്ന ഭൂമികളുടെ ഉടമാവകാശം/ഉടമാവകാശവും കൈവശാവകാശവും താങ്കൾ ഒഴിമുറിക്കേണ്ടതാണെന്ന് 1976 Jan. 23 തീയതി താലൂക്ക് ലാൻഡ് ബോർഡ് അറിയിച്ചിട്ടുള്ളതാണു്;

അങ്ങനെയുള്ള ഭൂമികൾ ഗവൺമെന്റിൽ നിക്ഷ്ഠമായിട്ടുള്ളതിനാലും;

ഈ നോട്ടീസ് നടത്തിയ തീയതി തേൽ ഏഴുദിവസം കഴിയുന്നതിനുമുമ്പ് താങ്കൾക്ക് (ഇവിടെ **Tahsildar, Kozhikode & Wynad**.....ക്ക്) ആഫീസറുടെ പേരും ഉദ്യോഗപ്പേരും എഴുതുക) ഒഴിമുറിക്കുന്നതിന് താങ്കളോട് ഇതിനാൽ നിർദ്ദേശിക്കുന്നു.

പ്രസ്തുത തീയതിക്കുമുമ്പ് ഒഴിമുറിക്കുന്നതിന് താങ്കൾ വീഴ്ചവരുത്തുന്ന പക്ഷം മേൽ പറഞ്ഞ ആഫീസർ ഗവൺമെന്റിനുവേണ്ടി ഭൂമിയുടെ കൈവശം എടുക്കുകയോ അതിന്റെ ഉടമാവകാശം ഏറ്റെടുക്കുകയോ ചെയ്യുന്നതാണു്.

പട്ടിക

| താലൂക്ക് വില്ലേജ് | സർവ്വേ നമ്പർ | വസ്തി, ഭൂമി തിരിച്ചറിയുന്നതിന് മതിയായ വിവരണത്തോടുകൂടി | ഉടമാവകാശമോ കൈവശാവകാശമോ അഥവാ അവ രണ്ടുമോ ഒഴിമുറിക്കേണ്ടതാണെന്ന് |
|-------------------|--------------|---|---|
| (1)               | (2)          | (3)   | (4)   |

See Schedule separately

1976 Jan. 23 താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ കയ്യൊപ്പോടും മുദ്രയോടും കൂടി തിരിച്ചറിയുന്ന ഇന്ന് നൽകിയിരിക്കുന്നു.

താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ ഉത്തരവുപ്രകാരം,

കയ്യൊപ്പ്.

ഉദ്യോഗപ്പേര്.



1976 Jan. 23

8

17 1

താലൂക്ക്

(ക)

ലാൻഡ് ബോർഡിൽ 1973.....ലെ

3, Alleppey.....

മേൽവിലാസവും എഴുതുക)

പട്ടികയിൽ പറഞ്ഞിരിക്കുന്ന ഭൂമികളുടെ ഉടമാവകാശവും കൈവശാവകാശവും താങ്കൾ ഒഴിമുറി

Jan. 23

തീയതി താലൂക്ക് ലാൻഡ് ബോർഡ്

കൾ ഗവൺമെന്റിൽ നിക്ഷേപമായിട്ടുള്ളതിനാലും;

നടത്തിയ തീയതി തേൽ ഏഴടിവസം കഴിയുന്നതിനുമുമ്പ്

Idar, Kozhikode & S. Wynaad.....

പേരും ഉദ്യോഗപ്പേരും എഴുതുക) ഒഴിമുറി നൽകുന്നതിന് താങ്കളോട്

നിർദ്ദേശിക്കുന്നു. തീയതിക്കുമുമ്പ് ഒഴിമുറി നൽകുന്നതിന് താങ്കൾ വീഴ്ചവരുത്തുന്ന

മേൽ പറഞ്ഞ ആഫീസർ ഗവൺമെന്റിനുവേണ്ടി ഭൂമിയുടെ കൈവശം എടുത്തോ അതിന്റെ ഉടമാവകാശം ഏറ്റെടുക്കുകയോ ചെയ്യുന്നതാണ്.

പട്ടിക

| താലൂക്കും വില്ലേജും | സർവ്വേ നമ്പർ | വ.സ്കീം, ഭൂമി തിരിച്ചറിയുന്നതിന് മതിയായ വിവരണത്തോടുകൂടി | ഉടമാവകാശമോ കൈവശാവകാശമോ അഥവാ അവ രണ്ടുമോ ഒഴിമുറി നൽകേണ്ടതാണെന്ന് |
|---------------------|--------------|---|--|
| (1)                 | (2)          | (3)   | (4)  |

See Schedule separately

താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ കയ്യൊപ്പോടും മുദ്രയോടും കൂടി 19 76 Jan. 23 തീയതിയായ ഇന്ന് നൽകിയിരിക്കുന്നു.

താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ ഉത്തരവുപ്രകാരം,

കയ്യൊപ്പ്.

ഉദ്യോഗപ്പേര്.



CHAIRMAN.

85 (5) (c) എന്ന വകുപ്പുപ്രകാരമുള്ള ഉത്തരവിൽ നിന്നും ഉദ്ധരിക്കപ്പെട്ട ഭാഗം.

[13-ാം ചട്ടം നോക്കുക]

.....

പൊതുവായുള്ളതു്

.....താലൂക്ക് ബോർഡ് മുമ്പാകെ

|  |  |
|--|--|
| 1. താലൂക്ക് ലാൻഡ് ബോർഡ് വ്യവഹാരത്തിന് കൊടുത്തിട്ടുള്ള നമ്പർ  | 1777/73  |
| 2. പ്രായപൂർത്തി തികഞ്ഞ അവിവാഹിതരായ വ്യക്തികളുടെയും/കുടുംബത്തിലെ അംഗങ്ങളുടെയും/ഉത്തരവ് ആരെ സംബന്ധിക്കുന്നുവോ അപ്രകാരമുള്ള മറ്റൊരാളുടെയോ പേരും മേൽവിലാസവും | Kalpatta Estate Ltd.<br>/19/602 Beach Road<br>Alleppey - 1.<br>Other Person. |
| 3. ഉടമാവകാശമുള്ളതും കൈവശം വച്ചിരിക്കുന്നതും പണയപ്രകാരം കൈവശാവകാശമുള്ളതുമായ ഭൂമിയുടെ മൊത്തം വിസ്തീർണ്ണം   | 3648.81 acres  |
| 4. 81-ാം വകുപ്പുപ്രകാരമുള്ള ഒഴിവ് ബാധകമാകുന്ന ഭൂമിയുടെ മൊത്തം വിസ്തീർണ്ണം  | 3953.17 "  |
| 5. ഉത്തരവ് ആരെ സംബന്ധിക്കുന്നുവോ അയാൾക്ക് ബാധകമാകുന്ന പരമാവധി വിസ്തീർണ്ണം  | 14.68 acres 10.00 std. acres   |
| 6. വിട്ടുകൊടുക്കേണ്ട ഭൂമിയുടെ വിസ്തീർണ്ണം  | 680.96 "   |
| 7. 86 (5) എന്ന വകുപ്പുപ്രകാരം ഏതെങ്കിലും ഭൂമി കൈവശമെടുത്തിട്ടുണ്ടെങ്കിൽ അതിന്റെ വിസ്തീർണ്ണം  | 841  |
| 8. വിട്ടുകൊടുക്കുന്നതിന് ബാക്കി വലുതുമുണ്ടെങ്കിൽ അതിന്റെ വിസ്തീർണ്ണം   | 681.06 "   |

3

1 2

Kozhikode 2/IB 15.15 Acres *arealant*  
 Baroth 41/1A2AI 190.94 " Coconut garden  
 " " 143.10 " Cashew nut "  
 " " " Other dry

S. Wynad 265/1  
 Kottapady 262/2  
 266

SCW 18.14  
 Other Dry 93.00  
 SCW 11.08

Moppainad 1150/1  
 1150/2  
 1150/3  
 1150/5  
 1150/6  
 1141/1A  
 " "  
 1141/IC  
 1141/2

Other Dry 50.00  
 " 19.22  
 " 2.93  
 " 4.79  
 " 25.22  
 SCW 6.40  
 Other Dry 97.56  
 SCW 0.18  
 " 3.25

100:2x:hy+c

190.911 11.12

17.15

38.97. Chackilwan

115.06 ✓

680.96 ✓  
 435.90 ✓  
 245.06 ✓

Ownership and possession right.  
 680.96 ✓  
 435.90



CHAIRMAN

ഉടമമാനകാശമുള്ളതും കൈവശം വച്ചിരിക്കുന്നതും പണയപ്രകാരം കൈവശാവകാശമുള്ളതുമായ ഭൂമിയുടെ (81-ാം വകുപ്പിനകം) 15-9-1963-നു ശേഷം സ്വാമധാര്യം കൈമാറ്റം ചെയ്തതും അപ്രകാരമുള്ള ഭൂമി സംബന്ധിച്ച് കൈമാറ്റം 84-ാം വകുപ്പിനകം അസാധുവായി കണ്ടുവന്നതുമായ ഭൂമി ഉൾപ്പെടെ) മൊത്തം വിസ്തീർണ്ണത്തിന്റെ (ഏകദേശ സെന്റിൽ) വിശദവിവരം.

| 1  | 2           | 3  | 4  | 5  |
|--|-------------|--|--|--|
| <p>അല്ലെങ്കിൽ</p> <p>വീട്</p> <p>സർവ്വേ നമ്പർ, സബ് ഡിവിഷൻ നമ്പർ.</p> | <p>വീട്</p> | <p>3<br/>4/2A<br/>4/2B<br/>5<br/>6/1<br/>6/2<br/>7/2<br/>8<br/>26<br/>18/1<br/>18/2A<br/>18/2B<br/>19<br/>2/1A<br/>2/1B<br/>2/1B<br/>41/1A2A1<br/>"<br/>"<br/>"<br/>"<br/>73</p> | <p>Ord. Acres</p> <p>250.00<br/>79.15<br/>119.65<br/>31.44<br/>2.96<br/>1.35<br/>8.08<br/>49.18<br/>21.07<br/>8.38<br/>14.52<br/>6.20<br/>6.38<br/>34.29<br/>17.50<br/>218.81<br/>16.48<br/>1.35<br/>202.94<br/>26.98<br/>143.10<br/>76.90</p> | <p>Std. Acres</p> <p>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>---<br/>32.96<br/>1.35<br/>101.47<br/>---<br/>52.88<br/>---</p> |

Rubber, Plantation  
 Area and Center  
 Coe no. 2, 3, 4  
 Cashew  
 But...

A contd....

|          |            |         |         |                 |        |
|----------|------------|---------|---------|-----------------|--------|
| S. Mynad | Kottappadi | 265/1   | 417.00  | Cardamom        | --     |
|          | "          | "       | 18.14   | SCW             | 8.06   |
|          | 262/2      | 262/2   | 232.16  | Vested forests  | --     |
|          | 262/2      | 262/2   | 48.83   | Tea Estates     | --     |
|          | 262/2      | 262/2   | 245.10  | Vested forests  | --     |
|          | 265/3      | 265/3   | 84.00   | Cardamom        | --     |
|          | 265/4      | 265/4   | 7.50    | Tea             | --     |
|          | 265/6      | 265/6   | 83.62   | Tea             | --     |
|          | 262/2      | 262/2   | 3.66    | Tea             | --     |
|          | 266        | 266     | 93.00   | Other Dry       | 37.20  |
|          | 1150/1     | 1150/1  | 111.08  | SCW             | 4.92   |
|          | "          | "       | 64.33   | Tea             | --     |
|          | 1150/2     | 1150/2  | 50.00   | O-D.            | 20.00  |
|          | "          | "       | 102.48  | Tea             | --     |
|          | "          | "       | 8.00    | Cardamom        | --     |
|          | 1150/3     | 1150/3  | 19.22   | O.D.            | 7.69   |
|          | 1150/4     | 1150/4  | 2.93    | O.D.            | 1.17   |
|          | 1150/5     | 1150/5  | 1.75    | Tea             | --     |
|          | 1150/6     | 1150/6  | 4.79    | O.D.            | 1.92   |
|          | 1141/1A    | 1141/1A | 25.22   | O.D.            | 10.69  |
|          | "          | "       | 10.00   | Tea             | --     |
|          | "          | "       | 50.00   | Coffee          | --     |
|          | "          | "       | 6.40    | SCW             | 2.84   |
|          | "          | "       | 97.56   | O.D.            | 39.02  |
|          | 1141/1C    | 1141/1C | 12.44   | Vested forests  | --     |
|          | 1141/2     | 1141/2  | 0.18    | SCW             | 0.08   |
|          | 1158       | 1158    | 3.25    | "               | 1.44   |
|          |            |         | 410.56  | Vested forests. | --     |
|          |            |         | 3648.81 |                 | 321.89 |

Kooppainad

Total - 3648.81  
 KKD - 1535.91  
 WYD - 2112.90

WYD - 2112.90  
 KKD - 1535.91

23

15

200

2453.17  
900.15  

---

3853.27  
~~3853.27~~  
2053.07



| താലൂക്ക്  | വില്ലേജ്   | സർവ്വേ നമ്പർ<br>സബ് ഡിവിഷൻ<br>നമ്പർ                       | ഭൂമി തിരിച്ചറിയാൻ വേണ്ട<br>വിവരണമെന്തെങ്കിലും<br>വിവരങ്ങൾ | ഉടമസ്ഥതയുള്ളതും<br>അല്ലെങ്കിൽ ഉടമസ്ഥതയുള്ളതും<br>എന്നാൽ കൈവശം വയ്ക്കുന്നതോ കൈവശം<br>വെച്ചിട്ടില്ലാത്തതോ എന്നാൽ ഉടമസ്ഥതയുള്ളതോ<br>അതോ പണയപ്രകാരം കൈവശാവകാശമില്ലാ<br>ല്ലാത്തതോ (84-ാം വകുപ്പ് പ്രകാരം അസാധു<br>വായ കൈമാറ്റം ഹേതുവായോ അതു പ്രകാര<br>മുള്ള തേർച്ചയോലോ ഏതെങ്കിലും ഭൂമി മൊളി<br>ന്റെ കൈവശമാണെങ്കിൽ കൈമാറ്റം ചെയ്ത<br>യാളെ കൈവശാവകാശമുള്ള ആളായി കരുതുന്ന<br>പക്ഷം) എന്ന് | വിട്ടുകൊടുക്കുന്നതിന് ബാധി<br>തമായവരുടെ 86 (1) ന്നു<br>വകുപ്പ് പ്രകാരം നോട്ടീസ്<br>നൽകപ്പെടേണ്ടവരുടെയും<br>മറ്റ് (കുടുംബ) പോൾ (കോ) മേ<br>വിലാസം (ങ്ങൾ) എന്നീ |
|-----------|------------|---|---|---|--|
| (1)       | (2)        | (3)   | (4)   | (5)   | (6)  |
| Kozhikode | Ruroth     | 2/IB<br>41/1A2AI  | 15.15<br>190.64   | Arecanut garden<br>Cashew garden<br>Other Dry<br>SCW  | Possession and<br>Ownership  |
| S.Wynad   | Kottappadi | 265/1<br>262/2<br>268                                     | 143.10<br>18.14<br>93.00                                  | Other Dry<br>SCW<br>Other Dry   |  |
|           | Moppalmed  | 1150/1<br>1150/2<br>1150/3<br>1150/5<br>1150/6<br>1141/1A | 11.08<br>50.00<br>19.22<br>2.93<br>4.79<br>25.22<br>6.40  | Other Dry<br>SCW<br>Other Dry<br>" "<br>" "<br>" "<br>" "<br>SCW<br>Other Dry   |  |
|           |            | 1141/1A   | 97.56   | Other Dry   |  |

കുറിപ്പ്: - 84-ാം വകുപ്പ് പ്രകാരം അസാധുവായ ഹേതുവായോ അല്ലെങ്കിൽ അതു പ്രകാരമുള്ള തേർച്ചയോലോ കൈവശാവകാശമുള്ള ആൾ ഏതെങ്കിലും ഭൂമിയിൽ  
അയാളുടെയും 86 (1) എന്ന വകുപ്പ് പ്രകാരം നോട്ടീസ് നൽകപ്പെടേണ്ടതുമായ ആളുടെയും പേരും വിട്ടുകൊടുക്കാൻ പാധ്യസ്ഥനായ ഒരാളായി ഉൾപ്പെടുത്തേണ്ടതാകുന്നു.

താലൂക്ക് ഓഫീസ് ബോർഡിന്റെ ഉത്തരവ് പ്രകാരം

(ഒപ്പ്)

ഉദ്യോഗസ്ഥൻ CHETMAN.



CJPC 19/216/73. 50,000

13. 1. 7 卷 76

[illegible]

is no scope

fully,

2. 11. 1911

10

[illegible][illegible]

*[Faint handwritten text, likely bleed-through from the reverse side of the page.]*

१. ...  
 २. ...  
 ३. ...  
 ४. ...  
 ५. ...  
 ६. ...  
 ७. ...  
 ८. ...  
 ९. ...  
 १०. ...

[illegible]

1. The first part of the document is a list of names and addresses, which are arranged in a columnar fashion. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list is organized into three columns, with the names in the first column, the addresses in the second column, and the names in the third column.



4. The third point pressed was about exemption of 15.15 acres of land in Poonoor Estate and 38.97 acres in Chulika estate. The exemption of 15.15 acres of land was claimed on the ground that although there were areca trees on that area it was principally used for planting. The exemption in respect of the 38.97 acres of land was claimed on the ground that although that land was being used as single crop wet land it was principally used for tea plantation. The report of the authorised officer shows that although there are arecanut trees and paddy cultivation in these areas, they are interspersed with rubber and tea and that the 15.15 acres of land is used principally for rubber plantation and 38.97 acres of land is used principally for tea plantation. Therefore these areas have to be treated as plantations as defined under section 2(44) of the Act and the entire 54.12 acres of land (15.15 + 38.97) has to be exempted on that ground.

5. The only other point pressed was about exclusion of some lands for fuel purposes. The area claimed on this account for Poonoor estate was 190.94 acres and for the Chulika estate 1089.98 acres. The Taluk Land Board did not exempt any land for fuel purposes. The main reason for refusing the claim for exemption was that the company had not been granted exemption by Government. ~~that the company had not been granted exemption by Government of any land on this account.~~ Evidently the Taluk Land Board when it mentioned that had in view of section 81(3) of the Act. Exemption under Section 81(3) can be granted only by Government and that only if it is in public interest. The exemption claimed by the petitioner in ~~xxx~~ this case is not under Section 81(3) but under Section 81(I)(c) read with Section 2(44)(a) of the Act. Under section 2(44)(a) land used for any purpose ancillary to the cultivation of plantation crops or for the preparation of the same for the market also is "plantation". The authorised officer's report shows that although a small portion of this 190.94 acres is covered by road almost the whole area is planted with cashew and that Poonoor estate has to meet its fuel requirements from this area. Hence that area of 190.94 acres has to be exempted. Although the entire 1098.94 acres of land is mentioned in his report as being used by Chulika estate for fuel purposes the authorised office has expressed his opinion in the report that 50 acres was sufficient for fuel purposes for that estate. Counsel appearing for the revision petitioner submitted that if the area of 190.94 acres was exempted for fuel purposes for Poonoor estate he was not pressing the claim for exemption of the 1098.98 acres of land for the Chulika estate.

In the result the order of the Taluk Land Board is modified by reducing the extent of the land to be surrendered by the revision petitioner from 680.96 acres of land to 435.90 acres of land. To that extent alone this revision petition is allowed. In all other respects it shall stand dismissed. There is no order as to costs. Send the records to the concerned Taluk Land Board before December 19, 1976.

sd/-P.Narayana Pillai, Judge.

11th November 1976.

Order on CMP.4838/76 in CRP.1210/76.

/true copy

Dismissed. sd/-



AUTH.  
 the 1<sup>st</sup> and Board...  
 Case No... 1777 of...  
 The Taha Uddin, Koda  
 name and designation of the Officer  
 in the notice of demand  
 authorised to accept the  
 If the person bound  
 to take possession  
 after the date specified  
 by you

[illegible]

卷之四

1900

The above is a list of the names of the persons who have been  
 appointed to the various positions in the office of the  
 Secretary of the Board of Education, for the year 1900-1901.  
 The names are given in the order in which they were appointed.  
 The names of the persons who have been appointed to the  
 positions of Secretary, Treasurer, and Clerk, are given in  
 the order in which they were appointed. The names of the  
 persons who have been appointed to the positions of  
 Superintendent, Assistant Superintendent, and  
 Inspector, are given in the order in which they were  
 appointed. The names of the persons who have been  
 appointed to the positions of Principal, Assistant  
 Principal, and Teacher, are given in the order in which  
 they were appointed. The names of the persons who have  
 been appointed to the positions of Librarian, Musician,  
 and other positions, are given in the order in which they  
 were appointed.

[illegible]

DATE: 10/10/1964  
 NAME: [illegible]  
 ADDRESS: [illegible]



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20090

ഫോറം നമ്പർ 9

ഒഴിമുറിക്കുള്ള ഡിമാൻഡ് നോട്ടീസ്  
(17-ാം ചട്ടം നോക്കുക)

.....താലൂക്ക് ലാൻഡ് ബോർഡിൽ 1973.....ലെ  
.....നമ്പർ കേസ്.

**Petra Estates, Alleppey**.....

(ഇവിടെ പേരും മേൽവിലാസവും എഴുതുക)

നടപ്പിൽ ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിരിക്കുന്ന ഭൂമികളുടെ ഉടമാവകാശം/ഉടമാവകാശവും കൈവശാവകാശവും താങ്കൾ ഒഴിമുറിക്കേണ്ടതാണെന്ന് 1976 Jan. 23 തീയതി താലൂക്ക് ലാൻഡ് ബോർഡ് അറിയിച്ചിട്ടുള്ളതാണു്;

അങ്ങനെയുള്ള ഭൂമികൾ ഗവൺമെന്റിൽ നിക്ഷ്ഠമായിട്ടുള്ളതിനാലും;

ഈ നോട്ടീസ് നടത്തിയ തീയതി തേൽ ഏഴുദിവസം കഴിയുന്നതിനുമുമ്പ് താങ്കൾക്ക് (ഇവിടെ **Tahsildar, Kozhikode & Wynad**.....ക്ക്) ആഫീസറുടെ പേരും ഉദ്യോഗപ്പേരും എഴുതുക) ഒഴിമുറിക്കുന്നതിന് താങ്കളോട് ഇതിനാൽ നിർദ്ദേശിക്കുന്നു.

പ്രസ്തുത തീയതിക്കുമുമ്പ് ഒഴിമുറിക്കുന്നതിന് താങ്കൾ വീഴ്ചവരുത്തുന്ന പക്ഷം മേൽ പറഞ്ഞ ആഫീസർ ഗവൺമെന്റിനുവേണ്ടി ഭൂമിയുടെ കൈവശം എടുക്കുകയോ അതിന്റെ ഉടമാവകാശം ഏറ്റെടുക്കുകയോ ചെയ്യുന്നതാണു്.

പട്ടിക

| താലൂക്ക് വില്ലേജ് | സർവ്വേ നമ്പർ | വസ്തി, ഭൂമി തിരിച്ചറിയുന്നതിന് മതിയായ വിവരണത്തോടുകൂടി | ഉടമാവകാശമോ കൈവശാവകാശമോ അഥവാ അവ രണ്ടുമോ ഒഴിമുറിക്കേണ്ടതാണെന്ന് |
|-------------------|--------------|---|---|
| (1)               | (2)          | (3)   | (4)   |

See Schedule separately

1976 Jan. 23 താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ കയ്യൊപ്പോടും മുദ്രയോടും കൂടി തിരിച്ചറിയുന്ന ഇന്ന് നൽകിയിരിക്കുന്നു.

താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ ഉത്തരവുപ്രകാരം,

കയ്യൊപ്പ്.

ഉദ്യോഗപ്പേര്.



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17 1

താലൂക്ക്

(ക)

ലാൻഡ് ബോർഡിൽ 1973.....ലെ

3, Alleppey.....

മേൽവിലാസവും എഴുതുക)

പട്ടികയിൽ പറഞ്ഞിരിക്കുന്ന ഭൂമികളുടെ ഉടമാവകാശവും കൈവശാവകാശവും താങ്കൾ ഒഴിമുറി

Jan. 23

തീയതി താലൂക്ക് ലാൻഡ് ബോർഡ്

കൾ ഗവൺമെന്റിൽ നിക്ഷേപമായിട്ടുള്ളതിനാലും;

നടത്തിയ തീയതി തേൽ ഏഴടിവസം കഴിയുന്നതിനുമുമ്പ്

Idar, Kozhikode & S. Wynaad.....

പേരും ഉദ്യോഗപ്പേരും എഴുതുക) ഒഴിമുറി നൽകുന്നതിന് താങ്കളോട്

നിർദ്ദേശിക്കുന്നു. തീയതിക്കുമുമ്പ് ഒഴിമുറി നൽകുന്നതിന് താങ്കൾ വീഴ്ചവരുത്തുന്ന

മേൽ പറഞ്ഞ ആഫീസർ ഗവൺമെന്റിനുവേണ്ടി ഭൂമിയുടെ കൈവശം എടു

യോ അതിന്റെ ഉടമാവകാശം ഏറ്റെടുക്കുകയോ ചെയ്യുന്നതാണ്.

പട്ടിക

| താലൂക്കും<br>വില്ലേജം | സർവ്വേ<br>നമ്പർ | വ.സ്കീം, ഭൂമി<br>തിരിച്ചറിയുന്നതിന്<br>മതിയായ വിവരണ<br>ത്തോടുകൂടി | ഉടമാവകാശമോ കൈവ<br>ശാവകാശമോ അഥവാ<br>അവ രണ്ടുമോ ഒഴിമുറി<br>നൽകേണ്ടതാണെന്ന് |
|-----------------------|-----------------|---|--|
| (1)                   | (2)             | (3)   | (4)  |

See Schedule separately

താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ കയ്യൊപ്പോടും മുദ്രയോടും കൂടി  
19 76 Jan. 23 തീയതിയായ ഇന്ന് നൽകിയിരിക്കുന്നു.

താലൂക്ക് ലാൻഡ് ബോർഡിന്റെ  
ഉത്തരവുപ്രകാരം,

കയ്യൊപ്പ്.

ഉദ്യോഗപ്പേര്.



CHAIRMAN.

85 (5) (c) എന്ന വകുപ്പുപ്രകാരമുള്ള ഉത്തരവിൽ നിന്നും ഉദ്ധരിക്കപ്പെട്ട ഭാഗം.

[13-ാം ചട്ടം നോക്കുക]

.....

പൊതുവായുള്ളതു്

.....താലൂക്ക് ബോർഡ് മുമ്പാകെ

|  |  |
|--|--|
| 1. താലൂക്ക് ലാൻഡ് ബോർഡ് വ്യവഹാരത്തിന് കൊടുത്തിട്ടുള്ള നമ്പർ  | 1777/73  |
| 2. പ്രായപൂർത്തി തികഞ്ഞ അവിവാഹിതരായ വ്യക്തികളുടെയും/കുടുംബത്തിലെ അംഗങ്ങളുടെയും/ഉത്തരവ് ആരെ സംബന്ധിക്കുന്നുവോ അപ്രകാരമുള്ള മറ്റൊരാളുടെയോ പേരും മേൽവിലാസവും | Kalpatta Estate Ltd.<br>/19/602 Beach Road<br>Alleppey - 1.<br>Other Person. |
| 3. ഉടമാവകാശമുള്ളതും കൈവശം വച്ചിരിക്കുന്നതും പണയപ്രകാരം കൈവശാവകാശമുള്ളതുമായ ഭൂമിയുടെ മൊത്തം വിസ്തീർണ്ണം   | 3648.81 acres  |
| 4. 81-ാം വകുപ്പുപ്രകാരമുള്ള ഒഴിവ് ബാധകമാകുന്ന ഭൂമിയുടെ മൊത്തം വിസ്തീർണ്ണം  | 3953.17 "  |
| 5. ഉത്തരവ് ആരെ സംബന്ധിക്കുന്നുവോ അയാൾക്ക് ബാധകമാകുന്ന പരമാവധി വിസ്തീർണ്ണം  | 14.68 acres 10.00 std. acres   |
| 6. വിട്ടുകൊടുക്കേണ്ട ഭൂമിയുടെ വിസ്തീർണ്ണം  | 680.96 "   |
| 7. 86 (5) എന്ന വകുപ്പുപ്രകാരം ഏതെങ്കിലും ഭൂമി കൈവശമെടുത്തിട്ടുണ്ടെങ്കിൽ അതിന്റെ വിസ്തീർണ്ണം  | 841  |
| 8. വിട്ടുകൊടുക്കുന്നതിന് ബാക്കി വലുതുമുണ്ടെങ്കിൽ അതിന്റെ വിസ്തീർണ്ണം   | 681.06 "   |

3

1 2

Kozhikode 2/IB 15.15 Acres *arealant*  
 Baroth 41/1A2AI 190.94 " Coconut garden  
 " " 143.10 " Cashew nut "  
 " " " Other dry

S. Wynad 265/1  
 Kottapady 262/2  
 266

SCW 18.14  
 Other Dry 93.00  
 SCW 11.08

Moppainad 1150/1  
 1150/2  
 1150/3  
 1150/5  
 1150/6  
 1141/1A  
 " "  
 1141/IC  
 1141/2

Other Dry 50.00  
 " 19.22  
 " 2.93  
 " 4.79  
 " 25.22  
 SCW 6.40  
 Other Dry 97.56  
 SCW 0.18  
 " 3.25

100:2x:hy+c

190.911 11.12

17.15

38.97. Chacki

115.06 ✓

680.96 ✓  
 435.90 ✓  
 245.06 ✓

Ownership and possession right.  
 680.96 ✓  
 435.90



CHAIRMAN



Rubber, Plantation  
 Area and Center  
 Coe no. 2, 3, 4  
 Cashew  
 But...

A contd....

|          |            |         |         |                 |        |
|----------|------------|---------|---------|-----------------|--------|
| S. Mynad | Kottappadi | 265/1   | 417.00  | Cardamom        | --     |
|          | "          | "       | 18.14   | SCW             | 8.06   |
|          | 262/2      | 262/2   | 232.16  | Vested forests  | --     |
|          | 262/2      | 262/2   | 48.83   | Tea Estates     | --     |
|          | 262/2      | 262/2   | 245.10  | Vested forests  | --     |
|          | 265/3      | 265/3   | 84.00   | Cardamom        | --     |
|          | 265/4      | 265/4   | 7.50    | Tea             | --     |
|          | 265/6      | 265/6   | 83.62   | Tea             | --     |
|          | 262/2      | 262/2   | 3.66    | Tea             | --     |
|          | 266        | 266     | 93.00   | Other Dry       | 37.20  |
|          | 1150/1     | 1150/1  | 111.08  | SCW             | 4.92   |
|          | "          | "       | 64.33   | Tea             | --     |
|          | 1150/2     | 1150/2  | 50.00   | O-D.            | 20.00  |
|          | "          | "       | 102.48  | Tea             | --     |
|          | "          | "       | 8.00    | Cardamom        | --     |
|          | 1150/3     | 1150/3  | 19.22   | O.D.            | 7.69   |
|          | 1150/4     | 1150/4  | 2.93    | O.D.            | 1.17   |
|          | 1150/5     | 1150/5  | 1.75    | Tea             | --     |
|          | 1150/6     | 1150/6  | 4.79    | O.D.            | 1.92   |
|          | 1141/1A    | 1141/1A | 25.22   | O.D.            | 10.69  |
|          | "          | "       | 10.00   | Tea             | --     |
|          | "          | "       | 50.00   | Coffee          | --     |
|          | "          | "       | 6.40    | SCW             | 2.84   |
|          | "          | "       | 97.56   | O.D.            | 39.02  |
|          | 1141/1C    | 1141/1C | 12.44   | Vested forests  | --     |
|          | 1141/2     | 1141/2  | 0.18    | SCW             | 0.08   |
|          | 1158       | 1158    | 3.25    | "               | 1.44   |
|          |            |         | 410.56  | Vested forests. | --     |
|          |            |         | 3648.81 |                 | 321.89 |

Kooppainad

Total - 3648.81  
 KKD - 1535.91  
 WYD - 2112.90

WYD - 2112.90  
 KKD - 1535.91

23

15

81 (1)

2453.17  
900.15  

---

3853.27  
~~3853.27~~  
2053.07





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## PROCEEDINGS OF THE TALUK LAND BOARD, VYTHIRI

Present: 1. **Sri.S.Harikishore, I.A.S**

**Sub Collector, Mananthavady : Chairman**

2. Sri.Sooppy Kallangodan,  
Tahsildar, Vythiri : Member
3. Sri.K.M.Ali : Member
4. Sri.P.K.Kunhimoideen : Member
5. Sri.P.Ali Haji : Member
6. Sri.Joseph Manissery : Member

Case No.TLB.902/73/ V dated 16.08.2012

M/s Chembra Peak Estate Ltd  
Chembra P.O.  
Meppadi  
Wayanad.

: Declarant

Whereas the M/s Chembra Peak Company had filed a ceiling return on 11/12/1973 u/s 85(A) of the KLR Act. The verification report of Tahsildar, South Wayanad revealed [vide No.F.Dis.287/74(ct)] that the declarant company possessing the following land, including the land in possession of tenants, with their divisions of Estates in different villages.

| <u>Sl.No.</u> | <u>Name of Estate/Division</u> | <u>Village</u> | <u>Extent</u>        |
|---------------|--------------------------------|----------------|----------------------|
| 1.            | Chembra Estate                 | Kottappady     | 950-80 Acres         |
| 2.            | Erumakulla I & II Estate       | Kottappady     | 1343-15 Acres        |
| 3.            | Poothacolli Estate             | Kottappady     | 461-45 Acres         |
| 4.            | Perumthotti Estate             | Kalpetta       | 1047-59 Acres        |
| 5.            | Elstone Estate                 | Kalpetta       | 278-02 Acres         |
| 6.            | Warriyat Estate                | Muttil         | <u>507-54 Acres</u>  |
|               |                                |                | <u>4588-55 Acres</u> |

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Out of which an extent of 3798.15 acres were exempted u/s 81 of the KLR Act, an extent of 15.00 acres allowed as retainable land and directed to surrender an extent of 775.40 acres as surplus land as detailed below as per the order dtd. 29/04/1976 in TLB.902/73.

| Estate       | Village    | Sy.No.                 | Extent (Acres) | Classification |
|--------------|------------|------------------------|----------------|----------------|
| Poothakollie | Kottappady | 297/5 to 11            | 23.37          | SC Wet         |
| Poothakolle  | Kottappady | 186/1 to 4             | 107.91         | O.D.           |
| Poothakollie | Kottappady | 186/7 to 16<br>and 297 | 92.66          | O.D.           |
| Chembra Peak | Kottappady | 249/1 to 5             | 183.35         | O.D.           |
| Erumaculla   | Kottappady | 205/1 to 11            | 208.46         | O.D.           |
|              |            | 205/1 to 11            | 33.58          | SC Wet         |
| Perumthotty  | Kalpetta   | 658/3 to 7             | 33.02          | SC Wet         |
|              |            | 659/1 to 8             | 12.50          | O.D.           |
| Elstone      | Kalpetta   | 520/2 to 5             | 16.09          | SC Wet         |
|              |            | 520/2 to 5             | 60.83          | O.D.           |
| Warriyat     | Muttil     | 503                    | 3.63           | SC Wet         |
| <b>Total</b> |            |                        | <b>775.40</b>  |                |

Aggrieved by this order, the Chembra Peak Company had filed CMP.9579/76 in CRP.No.2255/76 before the Hon'ble High Court of Kerala. As per order dtd. 08/05/1976, the Honble' High Court granted interim stay as follows in CMP.9579/76.

" Notice. Interim stay of surrender in regard to land classified as wet lands and lands if any, which are actually planted area in this plantation. The rest of the land directed to be surrender may be taken possession of."

Meanwhile an extent of 109-57 acres of land ordered for surrender has taken possession by the Tahsildar, Vythiri on 03/08/1976 as follows: ✓

| Village    | Sy.No. | Extent (Acres) |
|------------|--------|----------------|
| Kottappady | 186/3  | 90.00          |

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|------------|----------|--------|
| Kottappady | 186/7    | 00.60  |
| Kottappady | 186/9    | 00.80  |
| Kottappady | 186/11   | 00.40  |
| Kottappady | 186/12   | 00.55  |
| Kottappady | 186/13   | 04.22  |
| Kottappady | 205/11A1 | 07.00  |
| Kalpetta   | 520/2    | 03.00  |
| Kalpetta   | 659/1    | 03.00  |
| Total      |          | 109.57 |

On 19/11/1976, the Honb'le High Court dismissed the CMP No.9579/1976 and disposed CRP No.2255/1976 with following direction:

" I set aside the order of the Taluk Land Board in so far as it rejects the objections raised by the petitioner and directs the surrender of 775.40 acres. The Board will pass a fresh order after allowing the petitioner opportunity to produce its evidence and argue the case. The exemptions and exclusions of land granted by the present order in favor of the petitioner will stand. The revision is disposed of the above terms parties will bear their costs in the revision".

Accordingly the Taluk Land Board has issued notice to the firm for fresh trial on 05/02/1977 and the case was posted to 17/02/1977. The declarant company appeared for hearing and filed their objection statement dtd. 17/02/1977. The objection statement got enquired through the Authorized Officer and has submitted a detailed report on 14/03/1977 and again the declarant company filed objection statement dtd. 23/03/1977, on the enquiry report of the Authorised Officer. The Taluk Land Board discussed the matter in detail and concluded as follows:

Total land owned or held - 4588.55 Acres

Land to be excluded:

a. Private Forest vested with Government - 1556.47 Acres

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|   |   |                     |
|---|---|---------------------|
| b. Land released to Jenmi prior to 01/01/1970 | - | 178.21 Acres        |
| c. Land held by tenants                       | - | 356.07 acres        |
| Balance area available                        | - | 2497.80 Acres       |
| Exemption u/s 81                              | - | 2269.69 Acres ✓     |
| Balance available                             | - | 228.11 Acres        |
| Extant that can be retained                   | - | 15.00 Acres         |
| Balance to surrender                          | - | <b>213.11 Acres</b> |

As an extent of 109.57 acres has already taken possession by the Tahsildar, Vythiri, the remaining land available for surrender is only 103.54 acres. The declarant company has also agreed to surrender the 103.54 Acres, but they have further represented that they will be permitted to surrender the surplus land as follows:

| <u>Survey No.</u> | <u>Extent</u>              |
|-------------------|----------------------------|
| 249/1             | 60.00 Acres                |
| 205/11A1          | 67.11 Acres                |
| 205/11A1          | 39.00 Acres                |
| 659/1             | 22.00 Acres                |
| 520/4B7           | <u>25.00 Acres</u>         |
| <b>Total</b>      | <b><u>213.11 Acres</u></b> |

As the land measuring 109.57 acres has already been taken possession and the assignment is over, the Taluk Land Board has no jurisdiction to interfere in the lands already taken possession. In the circumstances revised order has issued on 23/03/1977 directing the declarant company to surrender the following land.

| Village    | Survey No. | Extent (in acres) | Classification |
|------------|------------|-------------------|----------------|
| Kottappady | 249        | 40.00             | O.D            |
| Kalpetta   | 659        | 34.50             | O.D            |

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|              |          |               |     |
|--------------|----------|---------------|-----|
| Kottappady   | 205/11A1 | 10.04         | O.D |
| Kalpetta     | 520/4B7  | 19.00         | O.D |
| <b>Total</b> |          | <b>103.54</b> |     |

Aggrieved by this order, the declarant company again filed CMP.No.5154/1977 in CRP No.1185/1977 (1) before the Hon'ble High Court of Kerala. The Hon'ble High Court has granted following direction on 01/04/1977.

“ No interim stay in respect of R.S.249/1 (40.00 acres) R.S.659/1 ( 34.50 acres), R.S.205/11A1(10.4 acres) and R.S.520/4B7 (19.00 acres) aggregating to 103.54. Interim stay of taking possession and if taken possession of assignment in respect of balance area totaling 109-57 acres. The petitioner will file a statement before the Board indicating the above 103.54 acres. The statement will be filed within two weeks. If the petitioner fails to file the statement the interim stay will stand vacated.”

Accordingly the declarant Company filed their statement dtd. 07/04/1977 in which they have opted the following land:

| Estate       | Village    | Survey No. | Extent (in acres) |
|--------------|------------|------------|-------------------|
| Chembra      | Kottappady | 249/1      | 40.00             |
| Erumaculla   | Kottappady | 205/11A1   | 10.04             |
| Perinthotty  | Kalpetta   | 659/1      | 34.50             |
| Elston       | Kalpetta   | 520/4B7    | 19.00             |
| <b>Total</b> |            |            | <b>103.54</b>     |

In the meantime, the Tahsildar, Vythiri has taken possession only 25.00 acres in Sy.No.659/1 of Kalpetta Village and reported that the following lands are not available for taking possession as they are vested with Forest Department as Vested Forest.

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1. 40.00 Acres in Sy.No.249/1 of Kottappadi Village
  2. 10.04 Acres in Sy.No.205/11A1 of Kottappadi Village
  3. 19.00 Acres in Sy.No.520/4B7 of Kalpetta Village

Out of 34.50 acres in Sy.No.659/1 of Kalpetta Village, only 25.00 Acres available for taking possession and the remaining portion is under the possession of tenants and some of them obtained patta from Land Tribunal, Kalpetta.

The Hon'ble High Court of Kerala has pronounced its judgment in CRP.1185/77.D on 28/11/1977 and the gist of the judgment is as follows:

" I would only direct the Taluk Land Board to allow the revision petitioner an opportunity to point out the portion from which the extent of 213-11 acres ordered to be surrendered is to be carried out. That would mean that if the Taluk Land Board has not distributed the land actually to others, it would be open to the revision petitioner to retain that portion and to substitute that extent by some other portion which he offers to surrender. It must be so done as to cause no difficulty either to the revision petitioner or to the Taluk Land Board. It may be done issuing notice to the Forest authorities. So that the area that stands vested in the Government also may be determined simultaneously to avoid further disputes and litigations over the identity of the property ordered to be surrendered as also the identity of the property allowed to be retained by the revision petitioner."

Accordingly notice issued on 23/02/1978 and conducted hearings. The company argued that the interim surrender of 109.87 acres has not been carried out physically in the field and it has not been identified. So also the extent declared as Vested Forest also has not been identified with reference to the extent covered in the Taluk Land Board's proceedings, that the High Court has directed to identify these items before final decision of the Taluk Land Board, The O.A.No.99/75 & O.A.217/77 were also filed by the company before Forest Tribunal. The parties directed to file statement shows the Vested Forest area and the MFA pending. They also informed that the properties of the company have been divided between (i) M/s Chembra Peak

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Estates Ltd. And (ii) M/s. Elstone Estate and industries Ltd. And also informed that both the Companies together have to discuss and agree upon the land to be surrendered.

On 10.06.1985 the company filed a statement that they had filed application before the Forest Tribunal for exemption of the lands involved on the ground that are ancillary area and firewood area are necessary for the plantations and hence prayed for kept in abeyance of the Taluk Land Board proceeding until the matters are over before the Forest Tribunal. At the same time on the next day (11/06/1985), the interested party Viz M/s Elstone Estate and Industries Ltd. Company filed an additional objection statement in which they claimed that the said company is a bonafied purchaser for consideration of certain portions of land, and no land may be taken surrender of from the land leased to this interested party.

With response to the request dtd. 12/11/1985 of the Taluk Land Board, the Forest Range officer, Kalpetta has reported that an extent of 10290-9000 Hectares of land vested with Government as Vested Forest in Kottappady and Kalpetta Villages from Chembra Peak Company. He also reported that the company had filed O.A.99/75 and 217/77 for the land shown below, which were remanded back to Forest Tribunal and are pending for disposal.

|                              |                                |
|------------------------------|--------------------------------|
| Survey No. 658, 659          | - 116.24 Hectors               |
| Survey No. 520               | - 21.00 Hectors                |
| Survey No. 205/11A1, 211,191 | - 188.10 Hectors               |
| Survey No. 49/1              | - <u>398.81 Hectors</u>        |
| <b>Total</b>                 | - <b><u>724.15 Hectors</u></b> |

Communication have been made for the ascertainment of the exact extent of the land vested under Forest Department. Meanwhile the Hon'ble High Court pronounced its judgment dtd. 23/06/2005 in MFA.954/1991 E. As per the judgment the following land to be transferred to the appellant Company (Chembra Peak) as it exempted from vesting under KPT Act in Exhibit C3 plan.

|         |                 |
|---------|-----------------|
| Plot A  | - 9.00 Hectors  |
| Plot B1 | - 14.00 Hectors |

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|--------------|---|-------------------------------|
| Plot C1      | - | 3.00 Hectors                  |
| Plot D1      | - | 8.00 Hectors                  |
| Plot C2      | - | <u>0.8585 Hectors</u>         |
| <b>Total</b> | - | <b><u>34.8585 Hectors</u></b> |

On the basis of the direction of High Court in.CRP.1185/77 joint inspection of Revenue Department and Forest Department were conducted and the joint inspection report reveals that plot A,B1, C1 are still under Forest Department as EFL. Plot D1 is situated near the entrance gate of Erumaculla division. Though it is also under Forest Department as EFL, the entire area is not with the Forest Department because some portion of this area is occupied by others. Plot C2 is not under Forest Department but in the effective possession of others.

An extent of 12.000 Hectors has been vested with Forest Department as Vested Forest in R.S.No.505 (O.S.No.186 pt) of Poothakolly division. The joint inspection also reveals that the following land are vested with Forest Department as Vested Forest in the Perinthotty Estate and Elstone Estate of Kalpetta Village.

| Block No. | Re-Survey No. | O.S.No.  | Extent (Hectors) | Remarks   |
|-----------|---------------|--|------------------|---|
| 20        | 303           | 659/1pt<br>659/4A4B4C<br>659/5,6,7<br>658/3A,4,5,6,7 | 17.9500          | Vested Forest (under the possession of Coffee Board Research Centre)                                |
| 20        | 391           | 658,659  | 35.9400          | Vested Forest (under the possession of Coffee Board Research Centre)                                |
| 20        | 393           | 658, 659   | 8.0000           | Restoration ordered. Not under the possession of Forest Department. May be treated as surplus land. |
| 20        | 394           | 658, 659   | 21.2100          | Vested Forest (under the possession of Coffee Board Research Centre)                                |
| 20        | 396           | 658, 659   | 12.5000          | Vested Forest. Forest plantation  |
| 20        | 396           | 658,659  | 3.5250           | Vested Forest. Restoration ordered, but still under Forest Department as EFL                        |
| 20        | 392           | 658,659  | 2.1000           | Vested Forest. Restoration ordered, but still under Forest Department as EFL                        |
|           |               |  | <b>101.2250</b>  |   |

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**Elstone Division**

| Block No. | Re-Survey No. | O.S.No. | Extent                             | Remarks   |
|-----------|---------------|---------|------------------------------------|---|
| 19        | 145           | 520/1C  | 133.5220 Hectors<br>(329.93 Acres) | Under Forest Department as Vested Forest. The major portion of this area from Kottaram plantation and a little bit from Elstone Estate. |

The notification of the above Vested Forest are (1) No.82055/FS2-1/76/AD dtd. 11/01/1977 and No.82055/FS2-2/76 dtd. 11/01/1977 with iem Nos. 69, 70, 73, 75 and the EFL Notification vide EFL1.134/06 dtd. 17/09/2007 in Gazatte No.G1. Dtd. 16/09/2007.

In the meantime the bifurcated division of the Company viz M/s Elstone Estate and Industries Ltd, which consists the Poothacollie division, of Kottappadi Village, Perinthotty division and Elstone Estate division of Kalpetta village were transferred to one T.B. Kunhimahin Haji and his son K.M.Muhammed Sharief, Padur House, Thekkil Village of Kasargod District as per said to be resolution of the company dtd. 10/08/2006. The above said Kunhimahin Haji and Muhammed Sherief are in the capacity of Managing Director and Director have sold the Poothacollie division to others as follows:

| Sl. No. | Document No.                         | Purchasers  | Survey No.  | Extent                                  | Classification             |
|---------|--------------------------------------|---|---|---|----------------------------|
| 1       | <u>387/09</u><br>Dtd. 29/01/2009     | N.P.Muhammad Haji<br>and 14 others  | O.S.No.186/8pt<br>186/3pt<br>186/10B<br>186/11pt<br>186/12<br>186<br>R.S.No.505/1pt Block No.<br>28 | 50.9368<br>Hectors<br>(125.86<br>Acres) | Dry<br>(Tea<br>plantation) |
| 2       | <u>1380/09</u><br>Dtd. 03/04/2009    | 1)Muhammad Basheer<br>2)Muhammad Hussain<br>3)Salina Basheer<br>4)Abdul Azeez | O.S.No.186/pt<br>R.S.No.505/1pt Block No.<br>28   | 6.6754 H.<br>(16.49<br>Acres)           | Dry<br>(Tea<br>plantation) |
| 3       | <u>388/09</u><br>dated<br>29.01.2009 | 1)Baliyil Muhammad<br>Haji<br>2)E.K.Abdul Bari<br>3)Aboobacker                | O.S.No.186/8,9<br>297/8,9,10<br>R.S.No.17/1 Block No. 30  | 4.9855 H.<br>(12.31<br>Acres)           | Dry<br>(Tea<br>plantation) |

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The above said N.P.Muhammed Haji and the others have converted an extent of about 5 acres of tea plantation into other dry land (OD), an extent of 1.5 acres converted and formed a "By Pass Road" and an extent of 50 cents was sold to Meppadi Grama Panchayat as per doc.No.4906/10 which have also been converted. The above mentioned holders of document No.388/09 dtd. 29/01/2009 and No.1380/09 dtd. 03/04/2009 have converted the tea plantation with their holding and sold to others plot by plots. As the above said areas are the tea plantation which had already been exempted u/s 81 (c) & (e) of the Act as per the Taluk Land Board's order dtd. 29/04/1976 and revised order dtd. 23/03/1977.

Notices were issued to the concerned parties for being heard with regard to the question of illegal conversion of the area exempted u/s 81(c) & (e). Sri.S.K.Mehta, Director, Chembra Peak Estate Ltd. Bangalore, Sri.T.N.Kunhimahin Haji and K.M.Muhammad Sherief, Managing Directors, Elstone Tea Estates & Industries Ltd., have neither appeared nor filed their statements. The counsel for N.P.Muhammed Haji and 14 others stated that they have 125.77 acres of land in R.S.No.505/1 of Kottappady Village by virtue of document No.387/09 dtd. 29/01/2009 purchased from Elstone Estates Ltd. As per document No. 687/78 dtd. 31/07/1978 of Sub Registrar Officer, Kalpetta, M/s Elstone Estate Ltd., has acquired lease hold right over the said properties of tea plantation along with the other items. About 5 acres of tea plantation have carried out heavy pruning of tea plantation for replanting. They have also assigned an extent of 50 cents to Meppadi Grama Panchayat as per document No. 4906/10.

The counsels for document holders viz. doc.No.388/09 and doc. 1380/09 appeared and stated that though they have purchased the tea plantation, as mentioned in the documents, the entire areas have been alienated to others plot by plots. Hence the Authorised Officer has instructed to inspect the site and report the actual position. The Authorized Officer has reported that Sri.N.P.Muhammed Haji and 14 others had conducted heavy pruning of an extent of about 2.50 acres, an extent of about 2.50 acres tea plantation is seen converted near the northern side of Mariamman Temple. Moreover an extent of 1.73 acres converted for the formation of " Bye-Pass road" and 50 cents alienated to Meppady Grama Panchayat and these areas also converted. The entire plantation in 12.31 acres pertained to the doc. No. 388/09 has converted thoroughly and cultivated with ginger. Moreover this area has also alienated others ranging 5 cents to 1 Acres. The tea plantation pertained to doc.No.1380/09 for an extent of 16.49 has also converted and alienated to others and these people have constructed fences for their individual holding plot

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by plots. An extent of one acre of land has converted in R.S.No.398/1/1 (O.S.No. 658, 659) of Perinthotty Estate of Kalpetta village for construction of a quarry Crusher Unit.

All those who are purchased the Estate land bit by bits were also provided with an opportunity of being heard. They have appeared and filed their objections in which they have stated a "Type Designed" answer that they have purchased only a bit of land and have no surplus land. All these state of affairs shows that all the above mentioned parties are severally and jointly colluded themselves to defeat the ceiling provisions while the ceiling case is under consideration under the direction of High Court in WPC No.1185/77 and MFA 954/1991 E.

In the above circumstances, the following points to be considered.

**1. Whether the declarant company liable to surrender excess land on the light of judgment in CRP.1185/87 and MFA 954/1991 E?**

As per order dtd. 29/04/1976 of the Taluk Land Board, an extent of 775.40 acres of surplus land was ordered to surrender and the Tahsildar, Vythiri has taken possession of an extent of 109.57 acres. The CRP filed by the declarant company was remanded back for fresh consideration by providing the company an opportunity to produce its evidence and argue the case. The judgment also pointed out that the exemptions and exclusions of land granted by the present order in favour of the petitioner will stand.

In obedience to the judgment the company filed statement, and which was get enquired through Authorized Officer. The Taluk Land Board discussed the matter in detail and found that the company liable to surrender 213.11 acres. Since an extent of 109.57 acres has already taken possession, the company agreed to surrender the remaining extent of 103.54 acres. Therefore revised order issued on 23/03/1977 directing to surrender following land:

| Sl.No. | Village    | Sy.No.       | Extent(in acres) | Classification |
|--------|------------|--------------|------------------|----------------|
| 1      | Kottappady | 249          | 40.00            | O.D.           |
| 2      | Kalpetta   | 659          | 34.50            | O.D.           |
| 3      | Kottappady | 205/11A1     | 10.04            | O.D.           |
| 4      | Kalpetta   | 520/4B7      | 19.00            | O.D.           |
|        |            | <b>Total</b> | <b>103.54</b>    |                |

Aggrieved by this the Company again filed CMP No.5154/1977 in CRP No.1185/1977.D. before the High Court. The judgment dtd. 28/11/1977 in CRP 1185/77 has instructed to retain the portion which they required and to substitute that extent by some other

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portion which the company offers to surrender. It is also directed to be done this by issuing notice to the Forest authorities. So that the area that stands vested in the Government also may be determined simultaneously to avoid further disputes and litigations over the identity of the property ordered to be surrender as well as the property allowed to be retained by the company.

A joint inspection conducted by the revenue and forest officials as per order of the High Court confirms the report of the Tahsildar, Vythiri dated 29/10/1976 that the land ordered for surrender has been vested with forest except for an extent of 25.00 acres in Sy. No. 659 of Kalpetta village. This report of Authorised Officer dated 10.05.2012 indicates that of the 103.54 acres ordered for surrender (order issued by the Taluk Land Board on 23/3/1977), all the lands except 25.00 acres in Sy. No. 659 of Kalpetta village have been vested as forest. The land in Sy. No. 659 of Kalpetta village has already been taken into possession by Tahsildar, Vythiri. In the above circumstances, the 103.54 acres of land to be surrendered by the estate has already been vested as forest or taken as surplus land and hence there is no further land to be surrendered. ✓

**2. Whether the declarant company is liable to surrender the excess land formed on conversion of the already exempted land u/s 81 of KLR Act?**

An extent of 235.51 acres of land has already been exempted u/s 81 (1) in Sy. No 186 and 297 of Poothakolly division in Kottappadi village as per the order of Taluk Land Board dated 29/04/1976 as these lands are tea plantations. The same was confirmed in revision vide CRP 2255/76.

This tea plantation has been transferred to three separate groups of people by the present Managing Director of Elstone Tea Estate Sri. T.B.Kunjimoheen Haji and Sri.K.M.Muhammed Sherif. Three separate groups, has illegally converted some extent of tea plantation which is sheer contravention of not only the provisions of KLR Act, but also a violation of KLU Order of 1967. The transaction of the property and illegal conversion of the plantation exempted u/s 81 are done while the ceiling case was under trial (on remand back from High Court). The transactions made while the ceiling case is under consideration are invalid.

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An opportunity of hearing was given to all the concerned parties whose deposition has been elaborated in detail in previous paragraphs. Their objections, evidences adduced and the decision arrived are given below in the three cases.

1. Document No 387/09 dated 29/01/2009 – Purchaser N.P.Muhammad Haji and 14 others – R.S No 505/1 pt Block 28, Kottappadi village – 125.86 acres – Tea plantation

The main contention in the objection filed by the respondents is that the respondents have not converted the land into 'other dry land'. They deposed that the said lands continued to be in exempted category. They have started replanting operations in portions of the land (about 5 acres) for regenerating old tea plantations. Similarly, old and dilapidated tea bushes in about 5 – 6 acres were removed where heavy pruning will not be productive. They further deposed that they have done this to replant with new tea saplings and the intention is not to convert the land. Further they deposed that an extent of 50 cents of tea plantation have been assigned to Meppadi Grama Panchayat as per assignment deed No. 4906/2010, SRO Kalpetta dated 31/07/2010. The secretary of Meppadi Grama Panchayat deposed that the property has been purchased for public purpose as per the plan approved by District Planning Committee for construction of fish market. Also, it was further stated that the respondents have executed a document of relinquishment in favour of Meppadi Grama Panchayat of an extent of 1.73 acres out of the plantation for public purpose of establishing a bye pass road for busy Meppadi town ship.

This was got enquired through the Special Deputy Tahsildar (Vythiri) who in his report stated that Sri.N.P.Muhammed Haji and others had conducted heavy pruning of an extent of 2.50 acres tea plantation. Also, he reported that about 2.50 acres of tea plantation is seen converted (uprooted) near the northern side of Mariamman temple. Moreover, he reports that an extent of 1.73 acres alienated to Meppadi Panchayat for formation of bye-pass road has been totally converted and also the 50 cents of lands purchased by Panchayat has also been converted. They, on 19/06/2012 further submitted that replanting works have been started in the area uprooted to replace old and dilapidated tea bushes. This was got enquired through the Deputy Tahsildar who reported on 03.08.2012 that this deposition is **True** in the case of above 2.50 acres only. Hence it is clearly evident that 1.73 + 0.50 acres of tea plantation exempted u/s 81 have been illegally converted and hence are liable to be surrendered.

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2. Document No 1380/09 dated 03/04/2009 – Purchaser Muhammad Basheer and 3 others - R.S.No. 505/1 pt Block 28, Kottappadi village – 16.49 acres – Tea plantation

The purchasers of 16.49 acres of land Mr. Mohammed Basheer, Mr. Muhammad Hussain, Mr. Salina Basheer and Mr. Abdul Azeez deposed that they have alienated the land to many others. All of the purchasers appeared individually and deposed that he/ she is a bonafide purchaser who holds a property of land less than the ceiling limits prescribed. They further deposed that the property was a neglected plantation at the time of purchase and he/ she has not made any conversion. They requested to drop the case as they do not hold land in excess of ceiling limits. Deputy Tahsildar, in his report indicated that the entire property of 16.49 acres has been converted and all the purchasers have constructed fences around their property. Since tea plantation exempted u/s 81 has been converted and it is liable to be surrendered.

3. Document No 388/09 dated 29/01/09 – Purchaser Baliyil Muhammad Haji and 2 others – R.S No. 17/1 Block 30, Kottappadi village – 12.31 acres – Tea plantation

The purchasers of 12.31 acres of land viz. E.K.Abdul Bari, Aboobacker and Muhammed Haji deposed that 12.31 acres of land has been registered in their name as per document no 388/09 and these were tea plantations. They further deposed that they have transferred the land to different people as per various documents with area ranging from 5 cents to 1 acre. Opportunity of hearing has been granted to all. All of them deposed that they are holding land within the ceiling limits and hence not liable to surrender the land. The report of Special Deputy Tahsildar clearly indicates that the entire area exempted u/s 81 has been converted and is cultivated with ginger. Since tea plantation exempted u/s 81 has been converted and it is liable to be surrendered.

It is clear from the evidences and hearing that some extent of tea plantation which has already been exempted u/s 81 of KLR Act has been illegally converted and bifurcated into small plots for other purposes.

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The Explanation II to the provision of u/s 87 of the Act says that

“ any land exempted u/s 81 from the provision of this chapter is converted into any class of land not so exempted and in consequence thereof the total extent of land owned or held by a person exceeds the ceiling area, so much extent of land as is in excess of the ceiling area, shall be deemed to the land acquired after the said date”

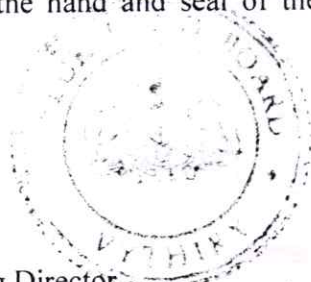
Moreover it is crystal clear from the documents that the present holders of the properties are only tenants as the basic documents deed of the firm is “Indenture of Lease Renewal Deed” of 1969. So they can use the holdings only according to the provision 50 A of the Kerala Land Reforms Act. In these circumstances, the declarant company should surrender the converted lands as surplus land.

In the result, the Taluk Land Board hereby declare that the following land held by the declarant company shall vest with the Government as surplus land, free from all encumbrances subject to the provisions of KLR Act with effect from the date of this order.

| Taluk        | Village                              | Sy.No.                                    | Extent<br>(in Acres)   | Classification                       | Remarks   |
|--------------|--------------------------------------|---|------------------------|--------------------------------------|---|
| Vythiri      | Kottappadi<br>Poothakkolli<br>Estate | 186/pt<br>R.S.505/1pt<br>Block 28         | 2.23<br>(1.73+0.50)    | Dry (Tea<br>plantation<br>converted) | Land involved in<br>Doc.No.387/09 dtd.<br>29/01/2009.<br>50 cents sold to Meppadi<br>Grama Panchayath and<br>1.73 acres being road<br>formed. |
| Vythiri      | Kottappadi<br>Poothakkolli<br>Estate | 186/pt<br>R.S.505/1pt<br>Block 28         | 16.49                  | Dry (Tea<br>plantation<br>converted) | Land involved in<br>Doc.No.1380/09 dtd.<br>03/04/2009.  |
| Vythiri      | Kottappadi<br>Poothakkolli<br>Estate | 186/8,9<br>297/pt<br>R.S.17/1<br>Block 30 | 12.31                  | Dry (Tea<br>plantation<br>converted) | Land involved in<br>Doc.No.388/09 dtd.<br>29/01/2009.   |
| Vythiri      | Kalpetta<br>Elstone Estate           | 658, 659<br>R.S.398/1/1                   | 1.00                   | Dry (Tea<br>plantation<br>converted) | Converted for stone<br>crusher unit   |
| Vythiri      | Kalpetta<br>Elstone Estate           | 520/pt<br>R.S.88/2                        | 0.28                   | Dry (Tea<br>plantation<br>converted) |   |
| <b>Total</b> |                                      |   | <b>31.31<br/>Acres</b> |                                      |   |

The ownership and possession of the above land shall be subject to the provisions of the KLR Act and the land vested with Government free from all encumbrances from the date of this order. The declarant company and the present holders will surrender the possession of the above land to the Tahsildar, Vythiri within seven days from the date of receipt of this order, failing which the Tahsildar, Vythiri shall on behalf of Government of Kerala, take possession of the land or assume the ownership thereof.

Given under the hand and seal of the Taluk Land Board Vythiri on this 16<sup>th</sup> day of August 2012.



**Chairman,  
Taluk Land Board, Vythiri**

To

1. The Managing Director  
M/s Chembra Peak Estate Ltd  
Chembra.P.O, Meppadi.
2. The Managing Director  
M/s Elstone Estates & Industrial Ltd  
Kottappadi, Meppadi.
3. The Managing Director  
M/s Elstone Tea Estate Ltd  
Kalpetta.P.O, Kalpetta.
4. Secretary, Meppadi Gramapanchayat, P.O.Meppadi.
5. Baliyil Muhammad Haji, S/o Sheik, Elankode, Panoor Village, Thalassery.
6. E.K.Abdul Bari S/o Moideenkunhi Haji, Vavad Amsom, Koduvally, Kozhikode.
7. Aboobackar S/o Pakran Haji, Kalayankulath, Irigannur, Vatakara.
8. N.P.Muhammad, S/o Chekutty, Koduvally Amsom, P.O.Koduvally, Noorkkottupoyil.
9. N.P.Hamsa, S/o Chekutty, Koduvally Amsom, P.O.Koduvally.
10. Asharaf, S/o Assain, Orupuram Kandathil, Koduvally Amsom, P.O.Koduvally.
11. P.C.Sainudheen, S/o Muhammed Haji Koduvally Amsom, P.O.Koduvally.
12. N.P.Subair, S/o Abu, Norkottu poyil, Koduvally Amsom, P.O.Koduvally.
13. K.Abdul Rahiman, S/o Moosa, Karakandathil, Koduvally Amsom, P.O.Koduvally.
14. K.P.Muhammed Shafi, S/o Moideenkutty Vavad Village, Koduvally.
15. Abdul Rahiman, S/o Moosa, Othayoth House, Koduvally village.
16. T.P.Hamza, S/o Moideenkutty, Katcheripadikal, Thirurangadi Village, Malappuram.
17. Koyisseri Pathumma, W/o. T.P.Hamsa, Katcheripadikal, Thirurangadi Village, Malappuram.
18. T.Arshad, S/o Muhammad, Thundiyil, Puthur Village, Thalassery.
19. T.Azeez, S/o Muhammad, Thundiyil, Puthur Village, Thalassery.
20. Baliyil Muhammed Haji, S/o Sheike, Elankode, Panoor village.
21. Baliyil Shafeek, S/o Muhammed Haji, Elankode, Panoor village.

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## PROCEEDINGS OF THE TALUK LAND BOARD, VYTHIRI

Present: 1. **Sri.S.Harikishore, I.A.S**

**Sub Collector, Mananthavady : Chairman**

2. Sri.Sooppy Kallangodan,  
Tahsildar, Vythiri : Member
3. Sri.K.M.Ali : Member
4. Sri.P.K.Kunhimoideen : Member
5. Sri.P.Ali Haji : Member
6. Sri.Joseph Manissery : Member

Case No.TLB.902/73/ V dated 16.08.2012

M/s Chembra Peak Estate Ltd  
Chembra P.O.  
Meppadi  
Wayanad.

: Declarant

Whereas the M/s Chembra Peak Company had filed a ceiling return on 11/12/1973 u/s 85(A) of the KLR Act. The verification report of Tahsildar, South Wayanad revealed [vide No.F.Dis.287/74(ct)] that the declarant company possessing the following land, including the land in possession of tenants, with their divisions of Estates in different villages.

| <u>Sl.No.</u> | <u>Name of Estate/Division</u> | <u>Village</u> | <u>Extent</u>        |
|---------------|--------------------------------|----------------|----------------------|
| 1.            | Chembra Estate                 | Kottappady     | 950-80 Acres         |
| 2.            | Erumakulla I & II Estate       | Kottappady     | 1343-15 Acres        |
| 3.            | Poothacolli Estate             | Kottappady     | 461-45 Acres         |
| 4.            | Perumthotti Estate             | Kalpetta       | 1047-59 Acres        |
| 5.            | Elstone Estate                 | Kalpetta       | 278-02 Acres         |
| 6.            | Warriyat Estate                | Muttil         | <u>507-54 Acres</u>  |
|               |                                |                | <u>4588-55 Acres</u> |

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Out of which an extent of 3798.15 acres were exempted u/s 81 of the KLR Act, an extent of 15.00 acres allowed as retainable land and directed to surrender an extent of 775.40 acres as surplus land as detailed below as per the order dtd. 29/04/1976 in TLB.902/73.

| Estate       | Village    | Sy.No.                 | Extent (Acres) | Classification |
|--------------|------------|------------------------|----------------|----------------|
| Poothakollie | Kottappady | 297/5 to 11            | 23.37          | SC Wet         |
| Poothakolle  | Kottappady | 186/1 to 4             | 107.91         | O.D.           |
| Poothakollie | Kottappady | 186/7 to 16<br>and 297 | 92.66          | O.D.           |
| Chembra Peak | Kottappady | 249/1 to 5             | 183.35         | O.D.           |
| Erumaculla   | Kottappady | 205/1 to 11            | 208.46         | O.D.           |
|              |            | 205/1 to 11            | 33.58          | SC Wet         |
| Perumthotty  | Kalpetta   | 658/3 to 7             | 33.02          | SC Wet         |
|              |            | 659/1 to 8             | 12.50          | O.D.           |
| Elstone      | Kalpetta   | 520/2 to 5             | 16.09          | SC Wet         |
|              |            | 520/2 to 5             | 60.83          | O.D.           |
| Warriyat     | Muttil     | 503                    | 3.63           | SC Wet         |
| <b>Total</b> |            |                        | <b>775.40</b>  |                |

Aggrieved by this order, the Chembra Peak Company had filed CMP.9579/76 in CRP.No.2255/76 before the Hon'ble High Court of Kerala. As per order dtd. 08/05/1976, the Honble' High Court granted interim stay as follows in CMP.9579/76.

" Notice. Interim stay of surrender in regard to land classified as wet lands and lands if any, which are actually planted area in this plantation. The rest of the land directed to be surrender may be taken possession of."

Meanwhile an extent of 109-57 acres of land ordered for surrender has taken possession by the Tahsildar, Vythiri on 03/08/1976 as follows: ✓

| Village    | Sy.No. | Extent (Acres) |
|------------|--------|----------------|
| Kottappady | 186/3  | 90.00          |

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|            |          |        |
|------------|----------|--------|
| Kottappady | 186/7    | 00.60  |
| Kottappady | 186/9    | 00.80  |
| Kottappady | 186/11   | 00.40  |
| Kottappady | 186/12   | 00.55  |
| Kottappady | 186/13   | 04.22  |
| Kottappady | 205/11A1 | 07.00  |
| Kalpetta   | 520/2    | 03.00  |
| Kalpetta   | 659/1    | 03.00  |
| Total      |          | 109.57 |

On 19/11/1976, the Honb'le High Court dismissed the CMP No.9579/1976 and disposed CRP No.2255/1976 with following direction:

" I set aside the order of the Taluk Land Board in so far as it rejects the objections raised by the petitioner and directs the surrender of 775.40 acres. The Board will pass a fresh order after allowing the petitioner opportunity to produce its evidence and argue the case. The exemptions and exclusions of land granted by the present order in favor of the petitioner will stand. The revision is disposed of the above terms parties will bear their costs in the revision".

Accordingly the Taluk Land Board has issued notice to the firm for fresh trial on 05/02/1977 and the case was posted to 17/02/1977. The declarant company appeared for hearing and filed their objection statement dtd. 17/02/1977. The objection statement got enquired through the Authorized Officer and has submitted a detailed report on 14/03/1977 and again the declarant company filed objection statement dtd. 23/03/1977, on the enquiry report of the Authorised Officer. The Taluk Land Board discussed the matter in detail and concluded as follows:

Total land owned or held - 4588.55 Acres

Land to be excluded:

a. Private Forest vested with Government - 1556.47 Acres

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|   |   |                     |
|---|---|---------------------|
| b. Land released to Jenmi prior to 01/01/1970 | - | 178.21 Acres        |
| c. Land held by tenants                       | - | 356.07 acres        |
| Balance area available                        | - | 2497.80 Acres       |
| Exemption u/s 81                              | - | 2269.69 Acres ✓     |
| Balance available                             | - | 228.11 Acres        |
| Extant that can be retained                   | - | 15.00 Acres         |
| Balance to surrender                          | - | <b>213.11 Acres</b> |

As an extent of 109.57 acres has already taken possession by the Tahsildar, Vythiri, the remaining land available for surrender is only 103.54 acres. The declarant company has also agreed to surrender the 103.54 Acres, but they have further represented that they will be permitted to surrender the surplus land as follows:

| <u>Survey No.</u> | <u>Extent</u>              |
|-------------------|----------------------------|
| 249/1             | 60.00 Acres                |
| 205/11A1          | 67.11 Acres                |
| 205/11A1          | 39.00 Acres                |
| 659/1             | 22.00 Acres                |
| 520/4B7           | <u>25.00 Acres</u>         |
| <b>Total</b>      | <b><u>213.11 Acres</u></b> |

As the land measuring 109.57 acres has already been taken possession and the assignment is over, the Taluk Land Board has no jurisdiction to interfere in the lands already taken possession. In the circumstances revised order has issued on 23/03/1977 directing the declarant company to surrender the following land.

| Village    | Survey No. | Extent (in acres) | Classification |
|------------|------------|-------------------|----------------|
| Kottappady | 249        | 40.00             | O.D            |
| Kalpetta   | 659        | 34.50             | O.D            |

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|              |          |               |     |
|--------------|----------|---------------|-----|
| Kottappady   | 205/11A1 | 10.04         | O.D |
| Kalpetta     | 520/4B7  | 19.00         | O.D |
| <b>Total</b> |          | <b>103.54</b> |     |

Aggrieved by this order, the declarant company again filed CMP.No.5154/1977 in CRP No.1185/1977 (1) before the Hon'ble High Court of Kerala. The Hon'ble High Court has granted following direction on 01/04/1977.

“ No interim stay in respect of R.S.249/1 (40.00 acres) R.S.659/1 ( 34.50 acres), R.S.205/11A1(10.4 acres) and R.S.520/4B7 (19.00 acres) aggregating to 103.54. Interim stay of taking possession and if taken possession of assignment in respect of balance area totaling 109-57 acres. The petitioner will file a statement before the Board indicating the above 103.54 acres. The statement will be filed within two weeks. If the petitioner fails to file the statement the interim stay will stand vacated.”

Accordingly the declarant Company filed their statement dtd. 07/04/1977 in which they have opted the following land:

| Estate       | Village    | Survey No. | Extent (in acres) |
|--------------|------------|------------|-------------------|
| Chembra      | Kottappady | 249/1      | 40.00             |
| Erumaculla   | Kottappady | 205/11A1   | 10.04             |
| Perinthotty  | Kalpetta   | 659/1      | 34.50             |
| Elston       | Kalpetta   | 520/4B7    | 19.00             |
| <b>Total</b> |            |            | <b>103.54</b>     |

In the meantime, the Tahsildar, Vythiri has taken possession only 25.00 acres in Sy.No.659/1 of Kalpetta Village and reported that the following lands are not available for taking possession as they are vested with Forest Department as Vested Forest.

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1. 40.00 Acres in Sy.No.249/1 of Kottappadi Village
  2. 10.04 Acres in Sy.No.205/11A1 of Kottappadi Village
  3. 19.00 Acres in Sy.No.520/4B7 of Kalpetta Village

Out of 34.50 acres in Sy.No.659/1 of Kalpetta Village, only 25.00 Acres available for taking possession and the remaining portion is under the possession of tenants and some of them obtained patta from Land Tribunal, Kalpetta.

The Hon'ble High Court of Kerala has pronounced its judgment in CRP.1185/77.D on 28/11/1977 and the gist of the judgment is as follows:

" I would only direct the Taluk Land Board to allow the revision petitioner an opportunity to point out the portion from which the extent of 213-11 acres ordered to be surrendered is to be carried out. That would mean that if the Taluk Land Board has not distributed the land actually to others, it would be open to the revision petitioner to retain that portion and to substitute that extent by some other portion which he offers to surrender. It must be so done as to cause no difficulty either to the revision petitioner or to the Taluk Land Board. It may be done issuing notice to the Forest authorities. So that the area that stands vested in the Government also may be determined simultaneously to avoid further disputes and litigations over the identity of the property ordered to be surrendered as also the identity of the property allowed to be retained by the revision petitioner."

Accordingly notice issued on 23/02/1978 and conducted hearings. The company argued that the interim surrender of 109.87 acres has not been carried out physically in the field and it has not been identified. So also the extent declared as Vested Forest also has not been identified with reference to the extent covered in the Taluk Land Board's proceedings, that the High Court has directed to identify these items before final decision of the Taluk Land Board, The O.A.No.99/75 & O.A.217/77 were also filed by the company before Forest Tribunal. The parties directed to file statement shows the Vested Forest area and the MFA pending. They also informed that the properties of the company have been divided between (i) M/s Chembra Peak

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Estates Ltd. And (ii) M/s. Elstone Estate and industries Ltd. And also informed that both the Companies together have to discuss and agree upon the land to be surrendered.

On 10.06.1985 the company filed a statement that they had filed application before the Forest Tribunal for exemption of the lands involved on the ground that are ancillary area and firewood area are necessary for the plantations and hence prayed for kept in abeyance of the Taluk Land Board proceeding until the matters are over before the Forest Tribunal. At the same time on the next day (11/06/1985), the interested party Viz M/s Elstone Estate and Industries Ltd. Company filed an additional objection statement in which they claimed that the said company is a bonafied purchaser for consideration of certain portions of land, and no land may be taken surrender of from the land leased to this interested party.

With response to the request dtd. 12/11/1985 of the Taluk Land Board, the Forest Range officer, Kalpetta has reported that an extent of 10290-9000 Hectares of land vested with Government as Vested Forest in Kottappady and Kalpetta Villages from Chembra Peak Company. He also reported that the company had filed O.A.99/75 and 217/77 for the land shown below, which were remanded back to Forest Tribunal and are pending for disposal.

|                              |                                |
|------------------------------|--------------------------------|
| Survey No. 658, 659          | - 116.24 Hectors               |
| Survey No. 520               | - 21.00 Hectors                |
| Survey No. 205/11A1, 211,191 | - 188.10 Hectors               |
| Survey No. 49/1              | - <u>398.81 Hectors</u>        |
| <b>Total</b>                 | - <b><u>724.15 Hectors</u></b> |

Communication have been made for the ascertainment of the exact extent of the land vested under Forest Department. Meanwhile the Hon'ble High Court pronounced its judgment dtd. 23/06/2005 in MFA.954/1991 E. As per the judgment the following land to be transferred to the appellant Company (Chembra Peak) as it exempted from vesting under KPT Act in Exhibit C3 plan.

|         |                 |
|---------|-----------------|
| Plot A  | - 9.00 Hectors  |
| Plot B1 | - 14.00 Hectors |

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|              |   |                               |
|--------------|---|-------------------------------|
| Plot C1      | - | 3.00 Hectors                  |
| Plot D1      | - | 8.00 Hectors                  |
| Plot C2      | - | <u>0.8585 Hectors</u>         |
| <b>Total</b> | - | <b><u>34.8585 Hectors</u></b> |

On the basis of the direction of High Court in.CRP.1185/77 joint inspection of Revenue Department and Forest Department were conducted and the joint inspection report reveals that plot A,B1, C1 are still under Forest Department as EFL. Plot D1 is situated near the entrance gate of Erumaculla division. Though it is also under Forest Department as EFL, the entire area is not with the Forest Department because some portion of this area is occupied by others. Plot C2 is not under Forest Department but in the effective possession of others.

An extent of 12.000 Hectors has been vested with Forest Department as Vested Forest in R.S.No.505 (O.S.No.186 pt) of Poothakolly division. The joint inspection also reveals that the following land are vested with Forest Department as Vested Forest in the Perinthotty Estate and Elstone Estate of Kalpetta Village.

| Block No. | Re-Survey No. | O.S.No.  | Extent (Hectors) | Remarks   |
|-----------|---------------|--|------------------|---|
| 20        | 303           | 659/1pt<br>659/4A4B4C<br>659/5,6,7<br>658/3A,4,5,6,7 | 17.9500          | Vested Forest (under the possession of Coffee Board Research Centre)                                |
| 20        | 391           | 658,659  | 35.9400          | Vested Forest (under the possession of Coffee Board Research Centre)                                |
| 20        | 393           | 658, 659   | 8.0000           | Restoration ordered. Not under the possession of Forest Department. May be treated as surplus land. |
| 20        | 394           | 658, 659   | 21.2100          | Vested Forest (under the possession of Coffee Board Research Centre)                                |
| 20        | 396           | 658, 659   | 12.5000          | Vested Forest. Forest plantation  |
| 20        | 396           | 658,659  | 3.5250           | Vested Forest. Restoration ordered, but still under Forest Department as EFL                        |
| 20        | 392           | 658,659  | 2.1000           | Vested Forest. Restoration ordered, but still under Forest Department as EFL                        |
|           |               |  | <b>101.2250</b>  |   |

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**Elstone Division**

| Block No. | Re-Survey No. | O.S.No. | Extent                             | Remarks   |
|-----------|---------------|---------|------------------------------------|---|
| 19        | 145           | 520/1C  | 133.5220 Hectors<br>(329.93 Acres) | Under Forest Department as Vested Forest. The major portion of this area from Kottaram plantation and a little bit from Elstone Estate. |

The notification of the above Vested Forest are (1) No.82055/FS2-1/76/AD dtd. 11/01/1977 and No.82055/FS2-2/76 dtd. 11/01/1977 with iem Nos. 69, 70, 73, 75 and the EFL Notification vide EFL1.134/06 dtd. 17/09/2007 in Gazatte No.G1. Dtd. 16/09/2007.

In the meantime the bifurcated division of the Company viz M/s Elstone Estate and Industries Ltd, which consists the Poothacollie division, of Kottappadi Village, Perinthotty division and Elstone Estate division of Kalpetta village were transferred to one T.B. Kunhimahin Haji and his son K.M.Muhammed Sharief, Padur House, Thekkil Village of Kasargod District as per said to be resolution of the company dtd. 10/08/2006. The above said Kunhimahin Haji and Muhammed Sherief are in the capacity of Managing Director and Director have sold the Poothacollie division to others as follows:

| Sl. No. | Document No.                         | Purchasers  | Survey No.  | Extent                                  | Classification             |
|---------|--------------------------------------|---|---|---|----------------------------|
| 1       | <u>387/09</u><br>Dtd. 29/01/2009     | N.P.Muhammad Haji<br>and 14 others  | O.S.No.186/8pt<br>186/3pt<br>186/10B<br>186/11pt<br>186/12<br>186<br>R.S.No.505/1pt Block No.<br>28 | 50.9368<br>Hectors<br>(125.86<br>Acres) | Dry<br>(Tea<br>plantation) |
| 2       | <u>1380/09</u><br>Dtd. 03/04/2009    | 1)Muhammad Basheer<br>2)Muhammad Hussain<br>3)Salina Basheer<br>4)Abdul Azeez | O.S.No.186/pt<br>R.S.No.505/1pt Block No.<br>28   | 6.6754 H.<br>(16.49<br>Acres)           | Dry<br>(Tea<br>plantation) |
| 3       | <u>388/09</u><br>dated<br>29.01.2009 | 1)Baliyil Muhammad<br>Haji<br>2)E.K.Abdul Bari<br>3)Aboobacker                | O.S.No.186/8,9<br>297/8,9,10<br>R.S.No.17/1 Block No. 30  | 4.9855 H.<br>(12.31<br>Acres)           | Dry<br>(Tea<br>plantation) |

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The above said N.P.Muhammed Haji and the others have converted an extent of about 5 acres of tea plantation into other dry land (OD), an extent of 1.5 acres converted and formed a "By Pass Road" and an extent of 50 cents was sold to Meppadi Grama Panchayat as per doc.No.4906/10 which have also been converted. The above mentioned holders of document No.388/09 dtd. 29/01/2009 and No.1380/09 dtd. 03/04/2009 have converted the tea plantation with their holding and sold to others plot by plots. As the above said areas are the tea plantation which had already been exempted u/s 81 (c) & (e) of the Act as per the Taluk Land Board's order dtd. 29/04/1976 and revised order dtd. 23/03/1977.

Notices were issued to the concerned parties for being heard with regard to the question of illegal conversion of the area exempted u/s 81(c) & (e). Sri.S.K.Mehta, Director, Chembra Peak Estate Ltd. Bangalore, Sri.T.N.Kunhimahin Haji and K.M.Muhammad Sherief, Managing Directors, Elstone Tea Estates & Industries Ltd., have neither appeared nor filed their statements. The counsel for N.P.Muhammed Haji and 14 others stated that they have 125.77 acres of land in R.S.No.505/1 of Kottappady Village by virtue of document No.387/09 dtd. 29/01/2009 purchased from Elstone Estates Ltd. As per document No. 687/78 dtd. 31/07/1978 of Sub Registrar Officer, Kalpetta, M/s Elstone Estate Ltd., has acquired lease hold right over the said properties of tea plantation along with the other items. About 5 acres of tea plantation have carried out heavy pruning of tea plantation for replanting. They have also assigned an extent of 50 cents to Meppadi Grama Panchayat as per document No. 4906/10.

The counsels for document holders viz. doc.No.388/09 and doc. 1380/09 appeared and stated that though they have purchased the tea plantation, as mentioned in the documents, the entire areas have been alienated to others plot by plots. Hence the Authorised Officer has instructed to inspect the site and report the actual position. The Authorized Officer has reported that Sri.N.P.Muhammed Haji and 14 others had conducted heavy pruning of an extent of about 2.50 acres, an extent of about 2.50 acres tea plantation is seen converted near the northern side of Mariamman Temple. Moreover an extent of 1.73 acres converted for the formation of " Bye-Pass road" and 50 cents alienated to Meppady Grama Panchayat and these areas also converted. The entire plantation in 12.31 acres pertained to the doc. No. 388/09 has converted thoroughly and cultivated with ginger. Moreover this area has also alienated others ranging 5 cents to 1 Acres. The tea plantation pertained to doc.No.1380/09 for an extent of 16.49 has also converted and alienated to others and these people have constructed fences for their individual holding plot

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by plots. An extent of one acre of land has converted in R.S.No.398/1/1 (O.S.No. 658, 659) of Perinthotty Estate of Kalpetta village for construction of a quarry Crusher Unit.

All those who are purchased the Estate land bit by bits were also provided with an opportunity of being heard. They have appeared and filed their objections in which they have stated a "Type Designed" answer that they have purchased only a bit of land and have no surplus land. All these state of affairs shows that all the above mentioned parties are severally and jointly colluded themselves to defeat the ceiling provisions while the ceiling case is under consideration under the direction of High Court in WPC No.1185/77 and MFA 954/1991 E.

In the above circumstances, the following points to be considered.

**1. Whether the declarant company liable to surrender excess land on the light of judgment in CRP.1185/87 and MFA 954/1991 E?**

As per order dtd. 29/04/1976 of the Taluk Land Board, an extent of 775.40 acres of surplus land was ordered to surrender and the Tahsildar, Vythiri has taken possession of an extent of 109.57 acres. The CRP filed by the declarant company was remanded back for fresh consideration by providing the company an opportunity to produce its evidence and argue the case. The judgment also pointed out that the exemptions and exclusions of land granted by the present order in favour of the petitioner will stand.

In obedience to the judgment the company filed statement, and which was get enquired through Authorized Officer. The Taluk Land Board discussed the matter in detail and found that the company liable to surrender 213.11 acres. Since an extent of 109.57 acres has already taken possession, the company agreed to surrender the remaining extent of 103.54 acres. Therefore revised order issued on 23/03/1977 directing to surrender following land:

| Sl.No. | Village    | Sy.No.       | Extent(in acres) | Classification |
|--------|------------|--------------|------------------|----------------|
| 1      | Kottappady | 249          | 40.00            | O.D.           |
| 2      | Kalpetta   | 659          | 34.50            | O.D.           |
| 3      | Kottappady | 205/11A1     | 10.04            | O.D.           |
| 4      | Kalpetta   | 520/4B7      | 19.00            | O.D.           |
|        |            | <b>Total</b> | <b>103.54</b>    |                |

Aggrieved by this the Company again filed CMP No.5154/1977 in CRP No.1185/1977.D. before the High Court. The judgment dtd. 28/11/1977 in CRP 1185/77 has instructed to retain the portion which they required and to substitute that extent by some other

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portion which the company offers to surrender. It is also directed to be done this by issuing notice to the Forest authorities. So that the area that stands vested in the Government also may be determined simultaneously to avoid further disputes and litigations over the identity of the property ordered to be surrender as well as the property allowed to be retained by the company.

A joint inspection conducted by the revenue and forest officials as per order of the High Court confirms the report of the Tahsildar, Vythiri dated 29/10/1976 that the land ordered for surrender has been vested with forest except for an extent of 25.00 acres in Sy. No. 659 of Kalpetta village. This report of Authorised Officer dated 10.05.2012 indicates that of the 103.54 acres ordered for surrender (order issued by the Taluk Land Board on 23/3/1977), all the lands except 25.00 acres in Sy. No. 659 of Kalpetta village have been vested as forest. The land in Sy. No. 659 of Kalpetta village has already been taken into possession by Tahsildar, Vythiri. In the above circumstances, the 103.54 acres of land to be surrendered by the estate has already been vested as forest or taken as surplus land and hence there is no further land to be surrendered. ✓

**2. Whether the declarant company is liable to surrender the excess land formed on conversion of the already exempted land u/s 81 of KLR Act?**

An extent of 235.51 acres of land has already been exempted u/s 81 (1) in Sy. No 186 and 297 of Poothakolly division in Kottappadi village as per the order of Taluk Land Board dated 29/04/1976 as these lands are tea plantations. The same was confirmed in revision vide CRP 2255/76.

This tea plantation has been transferred to three separate groups of people by the present Managing Director of Elstone Tea Estate Sri. T.B.Kunjimoheen Haji and Sri.K.M.Muhammed Sherif. Three separate groups, has illegally converted some extent of tea plantation which is sheer contravention of not only the provisions of KLR Act, but also a violation of KLU Order of 1967. The transaction of the property and illegal conversion of the plantation exempted u/s 81 are done while the ceiling case was under trial (on remand back from High Court). The transactions made while the ceiling case is under consideration are invalid.

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An opportunity of hearing was given to all the concerned parties whose deposition has been elaborated in detail in previous paragraphs. Their objections, evidences adduced and the decision arrived are given below in the three cases.

1. Document No 387/09 dated 29/01/2009 – Purchaser N.P.Muhammad Haji and 14 others – R.S No 505/1 pt Block 28, Kottappadi village – 125.86 acres – Tea plantation

The main contention in the objection filed by the respondents is that the respondents have not converted the land into 'other dry land'. They deposed that the said lands continued to be in exempted category. They have started replanting operations in portions of the land (about 5 acres) for regenerating old tea plantations. Similarly, old and dilapidated tea bushes in about 5 – 6 acres were removed where heavy pruning will not be productive. They further deposed that they have done this to replant with new tea saplings and the intention is not to convert the land. Further they deposed that an extent of 50 cents of tea plantation have been assigned to Meppadi Grama Panchayat as per assignment deed No. 4906/2010, SRO Kalpetta dated 31/07/2010. The secretary of Meppadi Grama Panchayat deposed that the property has been purchased for public purpose as per the plan approved by District Planning Committee for construction of fish market. Also, it was further stated that the respondents have executed a document of relinquishment in favour of Meppadi Grama Panchayat of an extent of 1.73 acres out of the plantation for public purpose of establishing a bye pass road for busy Meppadi town ship.

This was got enquired through the Special Deputy Tahsildar (Vythiri) who in his report stated that Sri.N.P.Muhammed Haji and others had conducted heavy pruning of an extent of 2.50 acres tea plantation. Also, he reported that about 2.50 acres of tea plantation is seen converted (uprooted) near the northern side of Mariamman temple. Moreover, he reports that an extent of 1.73 acres alienated to Meppadi Panchayat for formation of bye-pass road has been totally converted and also the 50 cents of lands purchased by Panchayat has also been converted. They, on 19/06/2012 further submitted that replanting works have been started in the area uprooted to replace old and dilapidated tea bushes. This was got enquired through the Deputy Tahsildar who reported on 03.08.2012 that this deposition is **True** in the case of above 2.50 acres only. Hence it is clearly evident that 1.73 + 0.50 acres of tea plantation exempted u/s 81 have been illegally converted and hence are liable to be surrendered.

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2. Document No 1380/09 dated 03/04/2009 – Purchaser Muhammad Basheer and 3 others - R.S.No. 505/1 pt Block 28, Kottappadi village – 16.49 acres – Tea plantation

The purchasers of 16.49 acres of land Mr. Mohammed Basheer, Mr. Muhammad Hussain, Mr. Salina Basheer and Mr. Abdul Azeez deposed that they have alienated the land to many others. All of the purchasers appeared individually and deposed that he/ she is a bonafide purchaser who holds a property of land less than the ceiling limits prescribed. They further deposed that the property was a neglected plantation at the time of purchase and he/ she has not made any conversion. They requested to drop the case as they do not hold land in excess of ceiling limits. Deputy Tahsildar, in his report indicated that the entire property of 16.49 acres has been converted and all the purchasers have constructed fences around their property. Since tea plantation exempted u/s 81 has been converted and it is liable to be surrendered.

3. Document No 388/09 dated 29/01/09 – Purchaser Baliyil Muhammad Haji and 2 others – R.S No. 17/1 Block 30, Kottappadi village – 12.31 acres – Tea plantation

The purchasers of 12.31 acres of land viz. E.K.Abdul Bari, Aboobacker and Muhammed Haji deposed that 12.31 acres of land has been registered in their name as per document no 388/09 and these were tea plantations. They further deposed that they have transferred the land to different people as per various documents with area ranging from 5 cents to 1 acre. Opportunity of hearing has been granted to all. All of them deposed that they are holding land within the ceiling limits and hence not liable to surrender the land. The report of Special Deputy Tahsildar clearly indicates that the entire area exempted u/s 81 has been converted and is cultivated with ginger. Since tea plantation exempted u/s 81 has been converted and it is liable to be surrendered.

It is clear from the evidences and hearing that some extent of tea plantation which has already been exempted u/s 81 of KLR Act has been illegally converted and bifurcated into small plots for other purposes.

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The Explanation II to the provision of u/s 87 of the Act says that

“ any land exempted u/s 81 from the provision of this chapter is converted into any class of land not so exempted and in consequence thereof the total extent of land owned or held by a person exceeds the ceiling area, so much extent of land as is in excess of the ceiling area, shall be deemed to the land acquired after the said date”

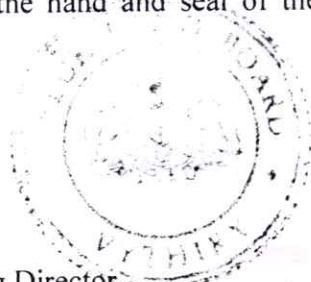
Moreover it is crystal clear from the documents that the present holders of the properties are only tenants as the basic documents deed of the firm is “Indenture of Lease Renewal Deed” of 1969. So they can use the holdings only according to the provision 50 A of the Kerala Land Reforms Act. In these circumstances, the declarant company should surrender the converted lands as surplus land.

In the result, the Taluk Land Board hereby declare that the following land held by the declarant company shall vest with the Government as surplus land, free from all encumbrances subject to the provisions of KLR Act with effect from the date of this order.

| Taluk        | Village                              | Sy.No.                                    | Extent<br>(in Acres)   | Classification                       | Remarks   |
|--------------|--------------------------------------|---|------------------------|--------------------------------------|---|
| Vythiri      | Kottappadi<br>Poothakkolli<br>Estate | 186/pt<br>R.S.505/1pt<br>Block 28         | 2.23<br>(1.73+0.50)    | Dry (Tea<br>plantation<br>converted) | Land involved in<br>Doc.No.387/09 dtd.<br>29/01/2009.<br>50 cents sold to Meppadi<br>Grama Panchayath and<br>1.73 acres being road<br>formed. |
| Vythiri      | Kottappadi<br>Poothakkolli<br>Estate | 186/pt<br>R.S.505/1pt<br>Block 28         | 16.49                  | Dry (Tea<br>plantation<br>converted) | Land involved in<br>Doc.No.1380/09 dtd.<br>03/04/2009.  |
| Vythiri      | Kottappadi<br>Poothakkolli<br>Estate | 186/8,9<br>297/pt<br>R.S.17/1<br>Block 30 | 12.31                  | Dry (Tea<br>plantation<br>converted) | Land involved in<br>Doc.No.388/09 dtd.<br>29/01/2009.   |
| Vythiri      | Kalpetta<br>Elstone Estate           | 658, 659<br>R.S.398/1/1                   | 1.00                   | Dry (Tea<br>plantation<br>converted) | Converted for stone<br>crusher unit   |
| Vythiri      | Kalpetta<br>Elstone Estate           | 520/pt<br>R.S.88/2                        | 0.28                   | Dry (Tea<br>plantation<br>converted) |   |
| <b>Total</b> |                                      |   | <b>31.31<br/>Acres</b> |                                      |   |

The ownership and possession of the above land shall be subject to the provisions of the KLR Act and the land vested with Government free from all encumbrances from the date of this order. The declarant company and the present holders will surrender the possession of the above land to the Tahsildar, Vythiri within seven days from the date of receipt of this order, failing which the Tahsildar, Vythiri shall on behalf of Government of Kerala, take possession of the land or assume the ownership thereof.

Given under the hand and seal of the Taluk Land Board Vythiri on this 16<sup>th</sup> day of August 2012.



**Chairman,  
Taluk Land Board, Vythiri**

To

1. The Managing Director  
M/s Chembra Peak Estate Ltd  
Chembra.P.O, Meppadi.
2. The Managing Director  
M/s Elstone Estates & Industrial Ltd  
Kottappadi, Meppadi.
3. The Managing Director  
M/s Elstone Tea Estate Ltd  
Kalpetta.P.O, Kalpetta.
4. Secretary, Meppadi Gramapanchayat, P.O.Meppadi.
5. Baliyil Muhammad Haji, S/o Sheik, Elankode, Panoor Village, Thalassery.
6. E.K.Abdul Bari S/o Moideenkunhi Haji, Vavad Amsom, Koduvally, Kozhikode.
7. Aboobackar S/o Pakran Haji, Kalayankulath, Irigannur, Vatakara.
8. N.P.Muhammad, S/o Chekutty, Koduvally Amsom, P.O.Koduvally, Noorkkottupoyil.
9. N.P.Hamsa, S/o Chekutty, Koduvally Amsom, P.O.Koduvally.
10. Asharaf, S/o Assain, Orupuram Kandathil, Koduvally Amsom, P.O.Koduvally.
11. P.C.Sainudheen, S/o Muhammed Haji Koduvally Amsom, P.O.Koduvally.
12. N.P.Subair, S/o Abu, Norkottu poyil, Koduvally Amsom, P.O.Koduvally.
13. K.Abdul Rahiman, S/o Moosa, Karakandathil, Koduvally Amsom, P.O.Koduvally.
14. K.P.Muhammed Shafi, S/o Moideenkutty Vavad Village, Koduvally.
15. Abdul Rahiman, S/o Moosa, Othayoth House, Koduvally village.
16. T.P.Hamza, S/o Moideenkutty, Katcheripadikal, Thirurangadi Village, Malappuram.
17. Koyisseri Pathumma, W/o. T.P.Hamsa, Katcheripadikal, Thirurangadi Village, Malappuram.
18. T.Arshad, S/o Muhammad, Thundiyil, Puthur Village, Thalassery.
19. T.Azeez, S/o Muhammad, Thundiyil, Puthur Village, Thalassery.
20. Baliyil Muhammed Haji, S/o Sheike, Elankode, Panoor village.
21. Baliyil Shafeek, S/o Muhammed Haji, Elankode, Panoor village.