

**SUPREME COURT OF INDIA**

Emur Bhagavathy Devaswom

Vs.

State of Kerala

(K.T.Thomas and D.P.Mohapatra JJ.)

23.02.1999

**ORDER**

The Text below is only a summarized version of the order pronounced

The appeal is filed against the judgment of the learned single judge of the High court Kerala where it was decided that the second respondent is entitled to fixity of tenure in respect of 300 acres of private forest by virtue of section 7- D of the Kerala Land Reforms Act. The High court in revision under section 103 of the KLR Act declared that the second respondent is a "deemed tenant" under section 7-D of the KLR Act and directed the authorities concerned to issue the "certificate of purchase". The Supreme Court is of view that the High Court should necessarily have entered upon a specific finding regarding the first postulate without which no right under section 7-D can be granted in any proceedings under the KLR Act. In the result the Supreme Court allowed the appeal and set aside the impugned judgment and remits the case back to the High Court for disposal of the revision afresh in accordance with law. It would be appropriate that a division Bench of the High Court would hear the revision.