CHAPTER - V

ASSIGNMENT AND CANCELLATION OF OWNERSHIP RIGHTS

We have already noted that one of the objectives of the Land Reform Measures is the conferment of security of tenure. But during the course of our survey we came across a strange situation of cancellation of ownership rights. This situation has occurred in 'Cheramankottu Kunnu' and 'Cheloor Kayal' areas in Sasthamcotta Village.

The 'Cheramankottu Kunnu' in Sasthamcotta village is a small hill of about one hundred and twenty (120) acres in the eastern side of the Sasthamcotta fresh water lake. The entire land was 'Puthuvelland' (government land) and a good part of the land had been under the custody of the scheduled caste.\(^1\) Many of them had been issued 'Patta' on their holdings during the period from 1969-1979. At present, altogether there are about 160 families having possession and title of their holdings out of which 120 families are of scheduled caste.

\(^1\) More or less all the households are scheduled castes. The name of the place 'Cheramankottu Kunnu' is derived from the word 'Cheraman' or 'Cheruman' who constitute the majority in the scheduled castes. They are also known as 'Pulayas'. Here the name of the place means the concentration of the 'Cherumas' in this 'kunnu' (a small hill).
During the early 1970's one priest came there and obtained about 17 acres of land from this 'Puthuval' land and got it assigned from the Village Officer and started a school. But after obtaining seventeen acres of land, this priest tried to obtain the entire 'hill', which has not assigned to anybody at that time. The significant thing is that a major part of the land was under the custody of the scheduled castes. In order to evict the scheduled castes from the 'Puthuval land' he charged several false cases against these poor people. The priest, ingeniously spread the news that the entire 'Puthuval' land has been assigned to him, and the other possessors of this land had no right on it. All of the possessors of this land continued the cultivation there, and soon after the enactment of the Land Reforms Act, many of them had received 'Patta' on their holdings during 1969-1979.

Even though the 'Patta's has been issued to the possessors of the land, the priest tried to evict them from the land, including the Patta holders and the others. Because of this eviction problem, faced by the holders of the land, they united and protested against the priest's movements. So in 1971, the then Revenue Minister of Kerala, issued an order, in which stated

2. The name of the Priest, Rev. Dr. C.T. Lapen, an unmarried priest of the Malankara Jacobite Christian Church.
that the above possessors of 'Cheramankottu Kunnu' shall not be evicted from their possession. 3

Even though the Government of Kerala issued such an order, the 'cold war' between the priest and the possessors 'to evict and to hold on' continued. In 1977 the priest expired without any sons or direct legal heirs and without transferring those properties to anybody. On the death of the priest, certain parties having vested interest formed a Trust in the name of the priest and assumed the administration of the school and the properties. 4 Then this Trust started an English Medium School, near to the old school, and started to acquire the entire land in this place, including the Puthuval and the Patta holder's land.

In 1980, the Government of Kerala issued another order assigning the land to its possessors. 5 But none of them had been received 'Patta' after this order. We don't know why the authorities had not issued the 'Patta' to the life long possessors of the land.

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3. In 1971, the Revenue Minister of Kerala was Sri Baby John, and the order issued is vide No.55041/A1/71/RD dated 29-11-1971.

4. The name of the Trust is "Dr. CT Eappen Memorial Trust" and it is known that, Bishop Curilose of the Jullom Diocese of Mulankara Jacobite Christian Church is the head of the Trust thus formed.

5. During this period the Left Front Government was ruling the State, and K.R. Guari was the Revenue Minister. The order is G.O.No.4801/A1/B.D/ dated 26-9-1980.
But what was actually happened is something funny and wonderful. Instead of giving Patta to the possessors of the land, the government (authorities) cancelled (1981) the 'Patta' which had been issued by them during the period from 1969-79. We do not know whether there was any 'black hands' behind the patta cancellation, from the part of the 'Trust', but from the village it is heard so.

The notice (order) issued by the Special Thasildar, stated the reason for cancellation of the patta on that the survey number entered is wrong, and so that, the possessor should vacate the land from his custody.

Soon after the cancellation of the 'Pattas', the Trust authorities tried to evict the whole possessors of the land, including the existing patta holders and the cancelled patta holders. It is said that, the village Officer, the local revenue authorities and the police authorities gave full support to the 'Trust'. They tried to fence the entire area of this place.

During this time the people (the patta cancelled and the other possessors) formed an Action Council for protection of

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6. One interesting point to be noted is that, the then District Collector and Revenue Divisional Officers, are Harijans by caste, and they fully stood against the poor Harijans in this case.
civil rights and proceeded to High Court of Kerala and filed a writ petition, to quash the Patta cancellation proceedings; and to declare that the Government or any government authorities have got no right to evict the Patta holders and the other possessors from their land. The High Court stayed the government, the revenue authorities and the police, the entire steps in the line of eviction of the Patta holders and legal possessors.

Even though the stay order was existing the revenue authorities, the police and Trust people had started atrocious activities such as trespassing the landed property of the Patta holders and others, and surveying the area under reference without serving notice and displacing old survey stones and replacing new ones according to their will and pleasure and making fence covering the entire patta land and the other land of the inhabitants of having possession of more than 50 years.

On 30-6-1981, the Action Council of the people submitted a mass petition to the concerned authorities for getting enough police protection for their life and property.

7. This Action Council drafted a series of representations and memorandums to the ministers and other leaders of both Central and State Governments, including Prime Minister, and Chief Minister of Kerala, to make proper steps to solve the problem, regarding the eviction and Patta cancellation.

8. The High Court under 18682/R1 in O.P. 2976/81, J.
On 18-7-1981 one ‘Bhadrasana’ meeting of the above said Trust’s religious organisation, was held at this place. Subsequently a vast majority of the participants of the meeting destroyed the huts around and cultivators of poor Harijana Patta holders. These problems were informed to the government authorities by the Action Council of the people. But no proper help was made by the government authorities.

Again in 25-7-1981 at 11.30, about one thousand selected militant youths of Malankara Jacobite Church with the local christians with police escort, shouting slogans and provocative words which would inculcate communal feelings marched towards the landed property under dispute, and brought about destruction for the cultivation such as tapioca, plantain, banana, vegetable gardens and other agricultural crops of the poor patta holders and other local possessors. Meanwhile they burned five more ‘huts’ and destroyed all the domestic belongings of the poor scheduled caste people.

It is said by these poor people that, while all these things are going on the police authorities were looking quite calmly and prevented the Patta holders and possessors of the land to enter into that area.

9. A meeting of the Malankara Jacobite Church under the Presidentship of Bishop Curiloso, in the High School situated there.
So at least certain pattas holders, lost their 'Pattas', certain others were evicted from the land by force of the interesting parties and with the help of the govern­ment authorities. After this mass destroyal of the agricultural crops, the poor people, who fully depends on these agricultural crops, seems to be very sad minded. At the time of this survey the entire land is kept as uncultivated because of the disputes and the High Court's stay order. The police parties camping this area did not allow the harijans to enter their land.

It is known from the village office that, about 120 acres of land is set apart for assignment to its possessors. The assignment is got delayed because of this disputes. The village office and all other authorities played a very good roll in evicting the poor 'Patta' holders and other possessors from their land.

In the sample survey several households found with related to this disputes. The total land under possession, Patta received area, Patta cancelled area etc., are explained in the chapter-IV (Tables 3 and 4)

This is all about the disputes regarding 120 acres of 'Puthuval land' in this village. Again there is dispute in
another 119 acres of wet land, where the procedures like 'Patta issuing', 'Patta' cancellation etc., took place. Now it will be interesting to look in that also.

Another Patta cancellation and eviction of possessors from their holdings took place in another part of the same village. This is connected with a 'Kayal' (lake), known as 'Cheloor Kayal', where the sides of the kayal land was under the possession of many households for more than 50 years. During the summer season, backwater cultivation is practiced. The kayal and the land nearest to that are 'Puramboku' land and the possessors were operating it during the last 50 years. Many of the possessors received patta on their holdings from 1977 onwards.

But, one fine morning of 1981, the patta holders received a letter from the Special Thasildar (Land Assignment, Kunnathur) in which stated that their 'Patta' has been cancelled, which has been issued from his office a few years back. Within the period of three months all of the patta holders received such a letter from the authorities, stating that their Pattas are cancelled, and they don't have any right to argue for that further. The reasons stated for this was different to different holders.
In one case the reasons stated was that the area was under the Panchayat at the time of assignment. A few lines from one letter is quoted here:

"An extent of 20 cents of Puramboku lands in Survey No. 32/21 of Sasthamcottta Village has been assigned to Sri ... as per this Office L.A.C. No. 14/77 dated 16-6-77.

On further enquiry it is seen that the land assigned as per L.A. case was vested with the panchayat at the time of assignment and hence the assignment order in the case was irregular ..... The lands in Sy.No. 32/21 of Sasthamcottta Village known as Cheeloor Kayal is the Kayal Puramboku was vested with the panchayat at the time of assignment and hence the assignment ordered in the L.A. case is irregular due to mistake of facts and hence the assignment orders and patta issued in the case is hereby cancelled". (The letter issued to one of the Patta holders, from the Land Assignment, Kunnathoor Taluk, No.:LAC. 14/77 dated 18-6-81.)

The reason for cancelling the Patta stated in another Patta holder's notice is that:

".....Since it was found that this assignment order was issued without proper verification and scrutiny and that the mahazar prepared in the case records showing that the persons are in possession and cultivation of this land is purely false and baseless. No person is in possession and occupation of 'Cheeloor Kayal' ..... land sanction as LAC No. 276/79 dtd. 20-1-90 hereby cancelled" (Letter issued No.:LA. 276/79/dtd. 30-5-1991.)

So the reasons for the cancellation of Pattas, varied from case to case. Whatever may be the reasons cited by them, they have done it without any human considerations.
From the village office, it is came to know that, preparations are made there to assign these land to others, instead of giving Patta to the present possessors. They had invited applications from the landless public in order to assign this land. About ten thousand applications received for the assignment of this land from the public, (The total area of the Kayal is 119 acres). At the time of this survey (-10/31) the staffs and Officer in the village office was busy in verifying and scrutinising the application and applicants. (To find out, whether the applicant own any other land, if so the area etc) In this case also we do not know why things are taking place like this.

These two samples should be noted seriously, and this is not a special case which had happened at one place, but all over Kerala such problems are going on.

There are two parties playing behind all these problems such as Patta cancellation, eviction etc. The first and the most important party is the Government and the authorities. The implementing machinery is always not interested in protecting the rights of the poor people. The Governments, are always supporting the interest of the big people, they are not interested in the problems of the weaker sections or even the poor people of the state.
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The second party believed all these problems (especially the former case, explained above) is the 'big' land lords, who is having enough influence and command in the society. It is easy for them to evict the possessors or even the Patta holders. Quite often the interest of these people's are supported by the ruling authorities and the implementing machinery.

A few things which we can observe from the above cases are -

1) It is a real fact that the land had been under the custody of the poor people, particularly the scheduled caste people (in the former case almost all are Mrijans, and the latter, about half of the holders) and are cultivating it more than 50 years or so. They occupied and cultivated this land, because it was 'Puthuval' or 'Puramboku'.

2) The authorities and machinery are always against the poor sections of the society. The reasons for the cancellation of Pattas itself shows the inefficiency of the machinery and the interest to support the other groups. The reasons cited are 'enterance of wrong Survey Number', 'improper or faulty verification', 'the area is under panchayat' etc. Any reasonable man could not understand these problems. If the survey number is wrong who is at fault? It is not the fault of the poor illiterate majority. Through
entering false number, does it mean that the possessors of the land had not been owned these lands? If the Survey number is wrong why can't put the correct number and give the Patta to the holder of the land. So all these shows the partiality and irresponsibility of the two classes of the society one the 'bureaucrat' and the other 'moneyed class'.

3) Perhaps this might be a special case, with regard to the land assignment, but of course, there are several cases like this all over in Kerala, which adversely affects the poor sections of the society. In the acquisition and distribution of surplus land we have seen the implementation process above (Chapter-IV). A very good part of the land which should have been distributed to the poor holders are kept as "Pending with disputes". This has to change of course, the real possessors, and the real cultivators and labourers should receive the ownership of land instead of giving to the large holders or even landlords.