

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

OP(C).No. 573 of 2015 ()

OS.NO. 1162/2014 OF MUNSIFF COURT, NEYYATTINKARA

PETITIONER :

VIJAYARAJ
S/O. CHELLAYYAN NADAR,
AGED 53 YEARS, V.S. NIVAS, THAZHEKARKKALA
PARASSUVAIKKAL DESOM, PARASSUVAIKKAL VILLAGE
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.R.GOPAN

RESPONDENT(S) :

1. DISTRICT COLLECGTOR,
THIRUVANANTHAPURAM 695 001.
2. THIRUVANANTHAPURAM CENTRAL SURVEY DIRECTOR,
OFFICE OF THE SURVEY DIRECTOR, VAZHUTHAKKADU
THIRUVANANTHAPURAM - 695001
3. THASILDAR,
TALUK OFFICE, NEYYATTINKARA - 695121
4. VILLAGE OFFICER,
VILLAGE OFFICE, PARASSUVAIKKAL-695121
5. STANLEY JOHN
S/O. GEORGE EVANJINIST @ GEORGE JACOB, DHANYA NIVAS
KARUKKALA, PARASSUVAIKKAL PO, PARASSUVAIKKAL DESOM
PARASSUVAIKKAL VILLAGE - 695 121
6. SUMATHY,
D/O/ JEEVANESSAN, A.B. BHAVAN, KEEZHETHOTTAM
PARASSALA P.O., PARASSALA DESOM,
PARASSALA VILLAGE – 695 121.

R1 TO R4 BY GOVT. PLEADER SMT. LILLY LESLIE

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 03-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 573 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: PHOTOCOPY OF THE LAWYER NOTICE SENT BY ADVOCATE R. HARIGOPAL TO THE RESPONDENTS DATED 20.8.2014.
- EXHIBIT P2: PHOTOCOPY OF THE OS NO. 1162/2014 FILED BY THE PETITIONER BEFORE THE MUNSIFF COURT, NEYYATTINKARA DATED 6.11.2014 AGAINST THE RESPONDENTS AND OTHERS.
- EXHIBIT P3: PHOTOCOPY OF INJUNCTION PETITION FILED BY THE PETITIONER AS IA NO. 6581/2014 IN OS NO. 1162/2014 BEFORE THE MUNSIFF COURT, NEYYATTINKARA DATED 6.1.2015.
- EXHIBIT P4: PHOTOCOPY OF CORRECTION PETITION FILED BY THE PETITIONER AS IA NO. 114/2015 IN OS NO.1162/2014 BEFORE THE MUNSIFF COURT, NEYYATTINKARA DATED 6.1.2015.
- EXHIBIT P5: PHOTOCOPY OF COMMISSION APPLICATION FILED BY THE PETITIONER AS IA NO.486/2015 IN OS NO.1162/2014 BEFORE THE MUNSIFF COURT, NEYYATTINKARA DATED 19.1.2015.
- EXHIBIT P6: PHOTOCOPY OF NOTICE DATED 3.8.2014 ISSUED BY TALUK SURVEYOR AS PER THE DIRECTION OF THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P. BHAVADASAN, J.

O.P.(C). No. 573 of 2015

Dated this the 3rd day of March, 2015.

JUDGMENT

Petitioner instituted O.S. 1162 of 2014 before Munsiff's Court, Neyyattinkara seeking declaration of title and possession over B schedule item No. 3 and C schedule item No.3 and for putting up the boundary on the northern and western sides of plaint B schedule items No. 3 property. He also seeks correction of re-survey records with respect to B schedule item No. 3.

2. While the suit was pending, the statutory authorities under the Survey and Boundaries Act issued notice under Section 6 of the Act. On getting that notice, the petitioner moved Ext.P3 application seeking injunction against them. That application is stated to be pending before the court below. The petitioner also moved an

application for consequential amendment also. That is also pending.

3. The apprehension of the petitioner is that if before those petitions are disposed of, measurement is effected, it may affect him injuriously.

4. In the nature of the order that is proposed to be passed in this Original Petition, notice to the respondents appears to be unnecessary.

This Original Petition is disposed of directing Munsiff's Court, Neyyattinkara to take up Exts. P3 and P4 petitions and dispose them of on merits and in accordance with law as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

sb.

P. BHAVADASAN,
JUDGE