

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

OP(C).No. 600 of 2015 (O)

IA.NO.702/2011 IN OS.NO.123/2011 OF MUNSIFF'S COURT, HOSDURG

PETITIONER(S)/PLAINTIFF:

**SHANTHA.N., SREEKUMARI NANGYARAMMA, AGED 80 YEARS
W/O.LATE KAKKAT MADATHU RAVI VARMA RAJA
RESIDING AT PARAPPA, PARAPPA VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S)/DEFENDANT AND TALUK SURVEYOR:

- 1. KANATHIL GOPALAN NAIR, AGED 58 YEARS,
PRESIDENT, THALI TEMPLE, PRATHIBHA NAGAR
PARAPPA VILLAGE, PARAPPA PO, HOSDURG TALUK
KASARAGOD DISTRICT-671 533.**
- 2. AVVDUKKAN DAMODARAN MASTER,
AGED ABOUT 56 YEARS, SECRETARY, THALI TEMPLE
PRATHIBHA NAGAR, PARAPPA VILLAGE, PARAPPA PO
HOSDURG TALUK, KASARAGOD DISTRICT-671 533.**
- 3. TALUK SURVEYOR, HOSDURG,
TALUK OFFICE, HOSDURG, PO KANHANGAD
PIN-671 315.**
- 4. THE TALUK SURVEYOR,
VELLARIKKUNDU TALUK, TALUK OFFICE, VELLARIKKUNDU PO
KASARAGOD DISTRICT-671 315.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 05-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP(C).No. 600 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** THE TRUE COPY OF THE IA NO.702 OF 2011 IN OS NO.123 OF 2011 ON THE FILES OF MUNSIFF COURT, HOSDURG.
- EXT P2 :** THE TRUE COPY OF THE MEMO DATED 02-02-2012 FILED BY THE ADVOCATE COMMISSIONER
- EXT P3 :** TRUE COPY OF THE IA.2100/2013 IN OS.123/2011.
- EXT P4 :** TRUE COPY OF THE MEMO DT. 16-12-2014 ISSUED BY THE MUNSIFF OF HOSDURG TO 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P. BHAVADASAN, J.

O.P.(C). No. 600 of 2015

Dated this the 5th day of March, 2015.

JUDGMENT

O.S. 123 of 2011 filed by the petitioner as plaintiff is still pending consideration. In the suit on the motion by the plaintiff, a commission was issued and the assistance of a Taluk Surveyor was made available. While the work was half way through, it so happened that there was bifurcation of the Taluk and the third respondent who was the original authority took the stand that he has lost jurisdiction over the area and therefore the petitioner moved a petition for appropriate orders. The court below directed the third respondent to render assistance to the Commissioner.

2. Learned counsel appearing for the petitioner contended that it is the fourth respondent who has to conduct the work of survey and a direction may be issued to the fourth respondent to render assistance to the commissioner.

3. In the nature of 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 the court below to issue work memo to the fourth respondent fixing his batta 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