

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

RP.No. 1008 of 2012 (K) IN WP(C).16502/2012

AGAINST THE ORDER/JUDGMENT IN WP(C) 16502/2012

REVIEW PETITIONERS/RESPONDENTS

1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001.

2. THASILDAR (ADDITIONAL)
OFFICE OF THE THASILDAR, KUNNATHUNADU TALUK
PERUMBAVOOR-683542.

3. THE SURVEYOR
KUNNATHUNADU TALUK, PERUMBAVOOR-683542.

BY G.P. SHRI PADMALAYAN

RESPONDENTS/PETITIONERS

1. THRESSIAMMA GEORGE AGED 82 YEARS
W/O. LATE GEORGE, KOIKKARA HOUSE, THAMARACHAL
KIZHAKKAMBALAM P.O.

2. JOSE K.G.
S/O. LATE GEORGE, KOIKKARA HOUSE, THAMARACHAL
KIZHAKKAMBALAM P.O.

3. CHACKACHEN K.G.
S/O. LATE GEORGE, KOIKKARA HOUSE, THAMARACHAL
KIZHAKKAMBALAM P.O.

4. CLEETUS K.G.
S/O. LATE GEORGE, KOIKKARA HOUSE, THAMARACHAL
KIZHAKKAMBALAM P.O.

BY ADV. SRI.P.KESAVAN NAIR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 22-05-2015, ALONG WITH WPC. 16502/2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.P.NO.1008/2012

APPENDIX

PETITIONERS' EXTS:

ANNEXURE A1- TRUE COPY OF LETTER DATED 18.8.2012

ANNEXURE A2-TRUE COPY OF PROCEEDINGS NO.G3-3400/88 DATED 2.6.1989

ANNEXURE A3-TRUE COPY OF POSSESSION OF LAND WHICH IS MARKED ACCORDING TO RS RECORDS

ANNEXURE R1-TRUE COPY OF FORM 8

ANNEXURE R2-TRUE COPY OF FORM NO.10

ANNEXURE R3-TRUE COPY OF APPLICATION DT.3.11.2012 FILED BY 4TH RESPONDENTS

ANNEXURE R4-TRUE COPY OF REPLY DATED 16.11.2012 BY PUBLIC INFORMATION OFFICER

ANNEXURE R5-TRUE COPY OF GO(MS) 409/12/REVENUE DT.31.10.2012

ANNEXURE R6-TRUE COPY OF LETTER DATED 18.8.2012

ANNEXURE R7-TRUE COPY OF GO DATED 31.5.2010

ANNEXURE R8-TRUE COPY OF ORDER DATED 6.9.2012

ANNEXURE R9-TRUE COPY OF SKETCH OF EXT.P1 TITLE DEED

ANNEXURE R10-TRUE COPY OF SURVEY KSETCH OF EXT.P2 TITLE DEED

ANNEXURE R11-TRUE COPY OF APPLICATION DT.22.12.2011

ANNEXURE R12-TRUE COPY OF DO.

ANNEXURE R13-TRUE COPY OF APPLICATION DT.30.10.2012

ANNEXURE R14 TRUE COPY OF ORDER DATED 5.12.2012

ANNEXURE R15-TRUE COPY OF PETITION DATED 24.3.2015 SUBMITTED BY THE WRIT PETITIONERS.

//TRUE COPY //

P.S. TO JUDGE

T.R. RAMACHANDRAN NAIR, J.

R.P.No.1008/2012 & W.P.(C) No.16502/2012

Dated this the 22nd day of May, 2015

JUDGMENT

R.P.No.1008/2012

This review petition is filed by the respondents in the writ petition. The writ petition was disposed of by issuing a direction to the third respondent to complete the demarcation in terms of the provisions of the Act within a period of two months from the date of production of a copy of the judgment.

2. The contention raised in the review petition is that the properties mentioned in the application have already been re-surveyed. The application for survey is therefore not maintainable and the writ petitioner will have to file an application in Form 10 under Rule 43 of Survey and Boundaries Rules, 1964.

3. The matter was heard at length on different occasions and the respective parties have filed affidavits and counter affidavits also. Learned counsel appearing for the respondents submitted that the

petitioners in the writ petition are satisfied if a direction is issued to consider the representation submitted along with I.A. No.201/2015 in R.P.No.1008/2012 (marked as Annexure R15). It is submitted that the same is in tune with the provisions of Annexure R7 Govt. Order, viz. G.O.(MS) No.200/2010/Revenue dated 31.5.2010, which provides a remedy to an aggrieved party in such cases.

4. In the light of the above, the judgment under review is recalled and the review petition is allowed to that extent. It is made clear that I have not expressed anything on the merits of the matter.

W.P.(C) No.16502/2012

5. The writ petition is filed with the main prayer “to issue a writ of mandamus or appropriate writ, order or direction to the respondents 2 and 3 to survey and demarcate the property covered by Exts.P1 and P2 pursuant to Ext.P3 application.” After the disposal of the writ petition, the respondents filed R.P.No.1008/2012 and today the said review petition has been disposed of. The petitioners have already filed another representation dated 24.3.2015 to the Additional Tahsildar, the second respondent herein. It is submitted by the learned

counsel for the petitioners that the petitioners are satisfied if a direction is issued to consider and pass orders on the said representation.

6. Therefore, there will be a direction to the second respondent to consider and pass orders on the representation dated 24.3.2015 produced as Annexure R15 in R.P.No.1008/2012. The petitioners have filed the said representation in the light of G.O.(MS) No.200/2010/Revenue dated 31.5.2010. An appropriate decision will be taken within a period of six weeks from the date of receipt of a copy of this judgment. A copy of the representation dated 24.3.2015 will be appended to this judgment.

The writ petition is disposed of as above. No costs.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

kav/