

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

RP.No. 776 of 2015 (L) IN WP(C).16517/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 16517/2015 of HIGH COURT OF KERALA
DATED 10-06-2015

REVIEW PETITIONER/PETITIONER:

JOSEPH L. AGED 61 YEARS S/O. LATE LAWRENCE
MANGALATH HOUSE, MAYITHARA MARKET P O, CHERTHALA

BY ADV. SRI.B.PRAMOD

RESPONDENTS/RESPONDENTS:

-
1. THE TAHSILDAR
TALUK OFFICE, CHERTHALA TALUK
 2. THE ADDL.THAHSILDAR(SURVEY ADALATH CAMP OFFICER)
TALUK OFFICE, CHERTHALA TALUK
 3. THE TALUK SURVEYOR
TALUK OFFICE CHERTHALA TALUK

R1-3 BY ADV. GOVERNMENT PLEADER SMT. M.J. RAJASREE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 08-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RP.No. 776 of 2015 (L) IN WP(C).16517/2015

APPENDIX

PETITIONERS ANNEXURE:

ANNEXURE I : TRUE COPY OF THE APPLICATION DT 6.7.2015 SUBMITTED BY THE PETITIONER

ANNEXURE II: TRUE COPY OF THE REPLY DT 6.8.2015 GIVEN BY THE PUBLIC INFORMATION OFFICER

RESPONDENTS ANNEXURES: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

R.P No. 776 of 2015

in

W.P (C) No. 16517 of 2015

Dated this the 08th day of December, 2015

J U D G M E N T

The review petitioner filed the above review petition on the ground that there is in fact, a Survey Adalath pending while the writ petition was dismissed on the ground that there is no Survey Adalath as such.

2. The 2nd respondent has filed a statement in which two contentions are taken, one, that the Taluk Surveyor on inspecting the property found that there are no well defined boundaries and that there is a suit pending as O.S 61/2015 which does not permit the Survey Authorities to carry on any proceedings under the Adalath. As for the contention that there is no Survey Adalath pending, it is also stated that the Survey Adalath constituted as per G.O(MS) No.200/2010 dated 31.05.2010

was terminated and the Additional Tahsildar of the concerned Taluk was given the authority to take action in complaints regarding land disputes thereafter.

2. The learned Counsel for the petitioner would submit that, the suit before the Munsiffs Court, Alappuzha is not with respect to the property in which, now the determination of exact extent is sought for and it is with respect to a totally different property in a different Survey Number. However, the fact remains that the Taluk Surveyor having inspected the property was unable to find well defined boundaries. In such circumstance, the petitioner would have to resort to remedies as available under the Kerala Survey and Boundaries Act..

Review Petition is dismissed.

SD/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge