

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYASHTA, 1937

W.P.(C).No.929 of 2015 (M)

PETITIONER(S):-

K.V.KRISHNANKUTTY, AGED 57 YEARS, PRARTHANA,
CHEVAYUR, CALICUT - 673 017.

BY ADV. SRI.V.RAJENDRAN.

RESPONDENT(S):-

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1. THE TAHSILDAR,
KONDOTTY P.O. - 673 638, MALAPPURAM DISTRICT.
 2. THE VILLAGE OFFICER,
CHERUKAVU, KONDOTTY P.O. - 673 638,
MALAPPURAM DISTRICT.
 3. TALUK SURVEYOR
KONDOTTY - 673 638, MALAPPURAM DISTRICT.

R1 TO R3 BY GOVERNMENT PLEADER SRI.,MANOJ P.KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.929 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1: TRUE COPY OF SETTLEMENT DEED REGISTERED AS DOCUMENT NO. 2560/2003 OF SUB REGISTRAR'S OFFICE, KONDOTTY.
- EXT.P2: TRUE COPY OF THE TAX RECEIPTS DATED 02/05/2000 AND 10/03/2010.
- EXT.P3: TRUE COPY OF THE LETTER DATED 31/03/2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P4: TRUE COPY OF THE APPLICATION DATED 20/02/2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P5: TRUE COPY OF THE APPLICATION DATED 20/02/2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P6: TRUE COPY OF THE LETTER DATED 25/08/2014 OF THE 1ST RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.929 of 2015-M

Dated this the 09th day of June, 2015

JUDGMENT

The petitioner is aggrieved with the non-consideration of Exhibits P4 and P5 applications on the ground that no definite boundaries are indicated and that the petitioner has not paid the survey charges. The petitioner's contention is that, no inspection at all was carried out in the property.

2. However, looking at Exhibit P5, it is seen that the petitioner wants to re-determine the boundaries of the land which is covered by Exhibit P1 title deed.

3. In the above circumstances, it is appropriate that the petitioner files a proper application, showing the boundaries of the land, as has been indicated in Exhibit P1 title deed, and also detailing the boundaries as it exists at this point of time. On such application being filed, within four months thereafter the authority shall conduct an inspection of the properties with notice to the petitioner and the adjacent property owners, the details of which will be supplied by the petitioner. The petitioner shall also pay the

survey fees as demanded by the respondents. On inspection, the boundary shall be determined and if there is any objection raised by the adjacent property owners, the petitioner shall be relegated to the civil remedy. However, if there is no objection, the application shall be considered and written orders passed within a period of three months from the date of inspection and then the tax shall also be accepted for the property covered by Exhibit P1.

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

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy