

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 1026 of 2015 (C)

PETITIONER :

**MATHEWS, AGED 66 YEARS, S/O. ABRAHAM,
THANDIMALIL, METHALA KARA, ASSAMANNOOR VILLAGE,
KUNNATHUNADU TALUK, ASSAMANOOR P.O.,
ERNAKULAM DISTRICT**

BY ADV. SRI.A.DINESH RAO

RESPONDENTS :

- 1. THE THE STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, BUILDINGS, SECRETARIAT, THIRUVANANTHAPURAM-01.**
- 2. ADDITIONAL TAHASILDAR (SURVEY), TALUK OFFICE,
MINI CIVIL STATION, KUNNATHUNADU, PERUMBAVUR,
ERNAKULAM - 683661.**
- 3. TALUK SURVEYOR, KUNNATHUNADU TALUK, MINI CIVIL STATION,
PERUMBAVOOR, ERNAKULAM - 683661.**
- 4. MATHUKUTTY @ MATHU, S/O. ITHAPPIRI, THANELIMALIL,
MUDAKKARAI KARA, KURUPPUMPADY P.O., PIN - 683545,
RAYAMANGALAM VILLAGE.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE SALE DEED NO. 954/2014 REGISTERED BEFORE THE SUB REGISTRARS OFFICE, KURUPPUMPADY.**
- P2: COPY OF THE SALE DEED NO. 955/2014 REGISTERED BEFORE THE SUB REGISTRARS OFFICE, KURUPPUMPADY.**
- P3: COPY OF THE NOTICE ISSUED BY THE RE DT 31/12/2014.**
- P4: COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE R3 AND DT 6/1/2015.**
- P5: COPY OF THE REQUEST DT 7/1/2015 ADDRESSED TO THE SECOND RESPONDENT.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 1026 of 2015

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Dated, this the 12th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

(i) Issue a writ of mandamus or other appropriate writ, direction or order directing respondents 2 and 3 to issue a copy of file No. **C6 1792/2014** referred to in Exhibit P3.

(ii) Issue a writ of mandamus or other appropriate writ, direction or order directing respondents 2 and 3 to postpone the measurement and other consequent proceedings by two weeks after the date of issue of copy of file No. **C6 1792/2014** referred to in Ext. P3.

(iii) Any other appropriate writ, direction or order as this Honourable Court may be deem fit and proper in the circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner has been kept in the dark with regard to the course and action sought to be pursued with reference to the alleged dispute with the 4th respondent in relation to the property covered by Exts. P1 and P2. The petitioner was served with Ext. P3 notice dated 31.12.2014, with regard to the proposed survey of the property concerned, only on 06.01.2015. Immediately on receipt of Ext. P3, the petitioner

submitted Ext. P4 application before the third respondent seeking for issuance of certified copy of the relevant file and proceedings, so as to enable the petitioner to pursue further steps. Ext. P5 is another application preferred at the instance of the petitioner through the counsel engaged by him, seeking for similar relief, referring to hospitalization of his brother-in-law and the necessity to have further time in this regard.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to deal with the merit of the case or to issue notice to the 4th respondent for the time being. The writ petition is disposed of, directing the 2nd respondent to issue certified copy of the concerned file/documents forthwith, at any rate, within one week. 'Status quo' shall be maintained with regard to the survey of the property for a period of two weeks from the date of issuance of certified copy of the concerned file as above.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd