

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 1374 of 2015 (V)

PETITIONER(S):

1. **JOBBY M.M., AGED 40 YEARS,
S/O.MATHAI, MATTAPPILLIL HOUSE, NJAYAPPILLY P.O.,
KUTTAMPUZHA VILLAGE, KOTHAMANGALAM.**
2. **JOY MATHAI, AGED 47 YEARS,
S/O.MATHAI, MATTAPPILLIL HOUSE, NJAYAPPILLY P.O.,
KUTTAMPUZHA VILLAGE, KOTHAMANGALAM.**

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENT(S):

1. **STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
STATE SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
2. **THE TALUK SURVEYOR,
KOTHAMANGALAM TALUK, KOTHAMANGALAM - 686 691.**
3. **THE TAHSILDAR,
KOTHAMANGALAM TALUK, KOTHAMANGALAM - 686 691.**
4. **THE VILLAGE OFFICER,
KUTTAMPUZHA VILLAGE, KOTHAMANGALAM - 686 691.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 1374 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1. TRUE COPY OF THE SALE DEED NO.7420 DATED 5/12/2012 OF
KOTHAMANGLAM SRO.**

**EXT.P2. TRUE COPY OF THE TAX RECEIPT DATED 10/5/2013 OF THE KUTTAMPUZHA
VILLAGE**

**EXT.P3. TRUE COPY OF THE SURVEY SKETCH DATED 29/6/2009 OF THE TALUK
SURVEYOR.**

**EXT.P4. TRUE COPY OF THE DECREE DATED 31/7/2010 IN OS NO.111/09 OF THE
MUNSIFF COURT, MUVATTUPUZHA.**

EXT.P5. TRUE COPY OF THE JUDGMENT DATED 29/11/2013 IN RSA 420/2013.

EXT.P6. TRUE COPY OF THE CHELLAN RECEIPT DATED 23/4/2013.

**EXT.P7. TRUE COPY OF THE APPLICATION DATED 6/1/2015 TO THE
2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R.RAMACHANDRA MENON, J.

= = = = =

W.P.(C) No.1374 of 2015

= = = = =

Dated this the 14th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:-

"i) Issue a writ of mandamus or any other appropriate writ order or direction, directing the 2nd respondent to measure the property purchased by the petitioners as per Ext.P1 sale deed in accordance with Exts.P1,P2 and P3.

ii) Issue a writ of mandamus or any other appropriate writ order or direction directing the 2nd respondent to consider and dispose of Ext.P6 and P7."

2. The learned counsel for the petitioners submits that, despite filing proper petitions before the 2nd respondent for measuring the property purchased by the petitioners as per Ext.P1 sale deed, in terms of Exts.P1,P2 and P3, no positive steps have been taken by the said respondent so far. Hence the writ petition.

3. The learned Government Pleader points out that Ext.P2 is not a proper application in the prescribed form. The learned counsel for the petitioners points out that proper application in

the prescribed form was submitted before the 2nd respondent and it was in respect of such application, that Ext.P6 challan receipt was issued on 20.04.2013. It is stated that, if insisted by the 2nd respondent, the petitioners are ready to submit a fresh application.

4. After hearing both the sides, there will be a direction to the 2nd and 3rd respondents to consider the application in respect of which Ext.P6 has been issued, along with Ext.P7 application and pass appropriate orders, taking necessary steps to redress the grievance of the petitioner. This shall be done with notice of petitioners and other interested parties, if any. The proceedings shall be finalised in accordance with law, at the earliest, at any rate, within a period of three months from the date of receipt of a copy of the judgment.

The writ petition is disposed of. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

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