

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 1426 of 2015 (C)

PETITIONER(S):

**SUVERNINI DEVI, AGED 66 YEARS,
W/O.KRISHNAN NAMBOOTHIRI
SREEVALSAM (KOLPPURATHU ILLAM), POONNOOR TEMPLE ROAD
NEAR VENGOLA, VALAYANCHIRA P.O., VENGOLA VILLAGE
KUNNATHUNADU TALUK, ERNAKULAM.**

BY ADV. SRI.K.RAMANATHAN

RESPONDENTS:-:

- 1. THE VILLAGE OFFICER
THODUPUZHA VILLAGE, THODUPUZHA - 685 584.**
- 2. THE TAHSILDAR,
TALUK OFFICE, THODUPUZHA - 685 584.**
- 3. THE REVENUE DIVISIONAL OFFICER,
IDUKKI DISTRICT, IDUKKI - 685 603.**
- 4. P.E.SREERAJ, AGED 24 YEARS
PADINJAREMADATHIL ADIYAMANA, OLAMATTOMKARA
THODUPUZHA VILLAGE, THODUPUZHA TALUK
IDUKKI DISTRICT - 685 585.**
- 5. P.E.HARI,, AGED 28 YEARS
PADINJAREMADATHIL ADIYAMANA, OLAMATTOMKARA
THODUPUZHA VILLAGE, THODUPUZHA TALUK
IDUKKI DISTRICT - 685 585.**

**R1-3 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R4,R5 BY ADVS. SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. THE TRUE COPY OF THE PETITION DEED NO.527/1970 OF THODUPUZHA SUB REGISTRY.**
- EXHIBIT P2. THE TRUE COPY OF THE LAND TAX RECEIPT EVIDENCING THE JOINT POSSESSION OF THE E SCHEDULE PROPERTY OF EXHIBIT P1 BY THE PETITIONER DATED 17.01.2009.**
- EXHIBIT P3. THE TRUE COPY OF THE LAND TAX RECEIPT EVIDENCING THE JOINT POSSESSION OF THE E SCHEDULE PROPERTY OF EXHIBIT P1 BY THE PETITIONER DATED 29.03.2000.**
- EXHIBIT P4. THE TRUE COPY OF THE LEGAL NOTICE ISSUED BY THE PETITIONER DATED 21.10.2014.**
- EXHIBIT P5. THE TRUE COPY OF THE REPLY BY THE RESPONDENTS 4 & 5 DATED 11.11.14.**
- EXHIBIT P6. THE TRUE COPY OF THE PETITION DEED NO.728/2014 OF THODUPUZHA SRO.**
- EXHIBIT P7. THE TRUE COPY OF THE APPEAL/REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 01.12.2014.**
- EXHIBIT P8. THE TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT P7 DATED 02.12.2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.1426 of 2015

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Dated this the 20th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:-

1. To issue a Writ of Mandamus or other appropriate Writ or Direction to the Respondents 1 & 2 to take immediate measures to revert back the mutation of the properties covered by Exhibit P1 as that in Exhibit P3.

2. To declare that the rights of the petitioner covered by Exhibit P1 to P3 are not lost by the creation of Exhibit P6.

2. The learned counsel for the petitioner submits that the mutation effected in favour of the respondents 4 and 5 pursuant to Ext.P6 Partition Deed bearing No.728/2014 of Thodupuzha SRO has been sought to be interfered by filing Ext.P7 appeal before the 3rd respondent. The same stands served to the said respondent by registered post as evidenced from Ext.P8.

3. The learned counsel for the petitioner further submits that the petitioner will be satisfied if a direction is given to the 3rd respondent to consider and dispose of Ext.P7 within a reasonable time.

4. Heard learned Government Pleader and the learned counsel appearing for the party respondents.

5. In the said circumstance, the 3rd respondent is directed to consider and dispose of Ext.P7 appeal, at the earliest, at any rate, within a period of ' six weeks' from the date of receipt of a copy of this judgment, after affording an opportunity of hearing to the petitioner and respondents 4 and 5. The petitioner shall produce a copy of the judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

The writ petition is disposed of.

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