

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C) .No. 2104 of 2014 (K)

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PETITIONER:

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M.T. MOHAMMED KUNHI, AGED 54 YEARS  
S/O.ABDUL RAHIMAN, RESIDING AT ARAFATH MANZIL  
BEVINJA P.O., THEKKIL FERRY, KASARAGOD DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS:

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1. THE DISTRICT COLLECTOR  
KASARAGOD - 671 001
2. THE TAHSILDAR  
KASARAGOD TALUK, KASARAGOD - 671 542
3. THE VILLAGE OFFICER,  
CHENGALA VILLAGE OFFICE, KASARGOD - 671 542
4. THE VILLAGE OFFICER  
MULIYAR VILLAGE OFFICE, KASARAGOD - 671 542
5. THE CHIEF MANAGER  
(CONST) - PROJECTS, GAIL, QUEENS ROAD  
VASANTH NAGAR, BANGALORE - 560 052.

R5 BY ADV. SRI.S.MOHAMMED AL RAFI, SC, GAIL INDIA LIMITED  
R1 -R 4 BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2104 of 2014 (K)

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APPENDIX

PETITIONER(S)' EXHIBITS

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EXT.P-1: TRUE COPY OF THE ASSIGNMENT DEED NO.172/2011 OF SRO,  
KASARAGOD.

EXT.P-2: TRUE COPY OF THE ASSIGNMENT DEED NO.4067/2011 OF SRO,  
KASARGOD.

EXT.P-3: TRUE COPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT  
DATED 23.7.2013.

EXT.P-4: TRUE COPY OF THE LETTER DATED 20.11.2013 ISSUED BY THE  
FIFTH RESPONDENT TO THE SECOND RESPONDENT.

EXT.P-5: TRUE COPY OF THE REPRESENTATION DATED 28.12.2013 FILED BY  
THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

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TRUE COPY

PA TO JUDGE

Scl.

**A. MUHAMED MUSTAQUE, J.**

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W.P.(C) No. 2104 of 2014  
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Dated this the 16<sup>th</sup> day of September, 2015.

**JUDGMENT**

The petitioner is the owner of 35 cents of land in Re-Sy.Nos.291/1 and 291/4 of Chengala Village. The petitioner refers right by assignment deeds Exts. P1 and P2.

2. The Government assigned 0.70 acres of land in favour of the fifth respondent. The Government however, on physical verification found that, only 0.45 acres, alone is available and the rest is being used for public road.

3. According to the Government, the assignment was prepared based on a proper physical verification. It is also submitted that there is a clear boundary between the petitioner's property as well as the assigned property of the fifth respondent.

4. The petitioner has approached this court apprehending inclusion of his property based on the assignment with the fifth respondent. The petitioner therefore

submitted that Government officials of the fifth respondent shall not enter into his property without proper identification of the property.

Essentially question in this matter regarding the identification of the property, this court is of the view that the Tahasildar shall demarcate the property of the petitioner as well as the assigned property of the fifth respondent in the petitioner's present. The petitioner shall appear before the Tahasildar for the above purpose on 30.9.2015 and the Tahasildar may issue sketch to the petitioner.

The writ petition is disposed of.

**Sd/-  
A. MUHAMED MUSTAQUE  
JUDGE**

Scl.