

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2095 of 2015 (J)

PETITIONER(S):

**K.K KURIAN, AGED 66 YEARS
S/O.KURIAN, KUDUKAMOOTTIL HOUSE, THAZHATHANGADY P.O.
KOTTAYAM VILLAGE, KOTTAYAM TALUK, KOTTAYAM
PIN - 686 005.**

**BY ADVS.SRI.S.RANJIT (KOTTAYAM)
SRI.GOKUL DAS V.V.H.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. DISTRICT COLLECTOR,
COLLECTORATE P.O., KOTTAYAM, PIN - 686 001.**
- 3. DIRECTOR OF SURVEY AND LAND RECORDS,
SURVEY BHAVAN, VAZHUTHACAUD P.O., THIRUVANANTHAPURAM
PIN - 692 014.**
- 4. ASSISTANT EXECUTIVE ENGINEER,
P.W.D.ROADS SUB DIVISION, KOTTAYAM, PIN - 686 001.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE PURCHASE CERTIFICATE DATED 05.09.1973 BEARING NUMBER 350/1973.**
- EXHIBIT P2. TRUE COPY OF THE SETTLEMENT DEED DATED 23.08.1977 BEARING 1931/1977 OF THE S.R.O., KOTTAYAM.**
- EXHIBIT P3. TRUE COPIES OF THE BASIC TAX RECEIPTS DATED 07.07.1975 AND 11.03.1989.**
- EXHIBIT P4. TRUE COPY OF THE BASIC TAX RECEIPT DATED 22.10.2013.**
- EXHIBIT P5. TRUE COPY OF THE JUDGMENT DATED 11.10.2011 IN A.S.NO.132/2009 BEFORE THE DISTRICT COLLECTOR, KOTTAYAM.**
- EXHIBIT P6. TRUE COPY OF EXHIBIT C2(A) IN O.S.NO.138/2007 BEFORE THE ADDITIONAL MUNSIFF'S COURT, KOTTAYAM.**
- EXHIBIT P7. TRUE COPY OF THE RE-SURVEY PLAN.**
- EXHIBIT P8. TRUE COPIES OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 10/4/12 AND 5/11/12**
- EXHIBIT P9. TRUE COPY OF THE CONSENT LETTER DATED 10.11.2012 SUBMITTED BEFORE THE DISTRICT LEVEL PURCHASING COMMITTEE.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 2095 of 2015

Dated this the 21st day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) to issue a writ of mandamus directing the 2nd respondent to dispose of Exhibit P8 applications expeditiously within a time limit.*
- (ii) to issue a writ of mandamus directing the 4th respondent to abstain from proceeding with the road widening process on the southern side of the petitioner's property till final disposal of the Exhibit P8 applications.”*

2. Learned counsel for the petitioner points out that, the mistake occurred in the Re-Survey has been sought to be corrected by way of filing Ext.P8 before the 2nd respondent, who is the competent authority to Act under Section 13(A) of the Kerala Survey and Boundaries Act, 1961. The prayer is to cause the same to be considered and dispose of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P8, in accordance with law, after

affording an opportunity of hearing to the petitioner. It shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn

The 4th paragraph of the judgment dated 21/01/2015 in W.P.(C) No.2095/2015 is modified as follows as per order dated 11/02/2015.

“After hearing both the sides, this writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P8, in accordance with law, after affording an opportunity of hearing to the petitioner. It shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. “Status quo” shall be maintained till such time.”

Sd/-
Registrar (Judicial)