

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 2488 of 2015 (I)

PETITIONER :

**M/S.POORAM KURIES PVT. LTD.,
4TH FLOOR, PATHAYAPURA BUILDING, ROUND SOUTH,
THRISSUR, REP.BY THE CHAIRMAN MR.C.K.ANIL KUMAR,
S/O. C.K.KRISHNAN.AGED 46 YEARS**

**BY ADVS.SRI.JAGAN GEORGE
SRI.P.JAYABAL MENON**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR
CIVIL STATION, AYYANTHOLE, THRISSUR - 680 003.**
- 2. SUB COLLECTOR/REVENUE DIVISIONAL OFFICER
REVENUE DIVISIONAL OFFICE, THRISSUR.**

BY SENIOR GOVERNMENT PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE DOCUMENT NO. 2806/13 OF SRO OLLUKARA.
- P2: TRUE COPY OF THE LAND TAX RECEIPT DT. 01.8.14.
- P3: TRUE COPY OF THE EXTRACT OF THE BASIC TAX REGISTER ISSUED BY THE OLLUKARA VILLAGE OFFICE IN SURVEY NO. 420.
- P4: TRUE COPY OF THE PHOTOGRAPHS OF THE PROPERTY AND THE ADJACENT AREAS.
- P5: TRUE COPY OF THE STOP MEMO ISSUED BY THE RESPONDENT DT. 05.12.14.
- P6: TRUE COPY OF THE REPRESENTATION DT. 12.12.14 ISSUED TO THE 2ND RESPONDENT.
- P6(A): TRUE COPY OF THE RECEIPT OF THE OFFICE OF THE 2ND RESPONDENT EVIDENCING ACCEPTANCE OF THE P6 REPRESENTATION.
- P7: TRUE COPY OF THE APPEAL SUBMITTED TO THE 1ST RESPONDENT DT. 17.12.14.
- P7(A): TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT EVIDENCING ACCEPTANCE OF THE P7 REPRESENTATION.
- P8: TRUE COPY OF THE REMINDER DT. 12.1.15 ISSUED BY THE PETITIONER TO 1ST RESPONDENT.
- P8(A): TRUE COPY OF THE RECEIPT DT. 12.1.15 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT EVIDENCING ACCEPTANCE OF THE P8 REMINDER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.2488 OF 2015
.....

Dated this the 5th February, 2015

J U D G M E N T

Petitioner is aggrieved of Ext.P5 stop memo issued by the second respondent /Sub Collector, whereby the petitioner has been prevented from depositing any ordinary earth for effecting construction in the property having an extent of 10.12 Ares in Sy. No.420/Part-I, Ollukkara Village, so as to demarcate the boundaries of the properties covered by Survey Nos.418 and 420. The petitioner company purchased the said property after making necessary enquiry and on confirming the position that it is a Pucca garden land. The nature of the property as 'Purayidom'/'dry land' is reflected from Ext.P3 BTR. Ext.P1 is the title deed. The petitioner is enjoying the property also satisfying the Tax, as borne by Ext.P2. Part of the property in the very same survey Number is still owned by the vendor, who has constructed a residential building in the said property, photograph of which has been produced as Ext.P4. But at the instance of a member of Ward Council, who is not in good terms with the petitioner, Ext.P5 stop memo was issued by the second respondent/Sub Collector; on receipt of which, the factual

position was sought to be explained by submitting Ext.P6, as early as on 12.12.2014 and it stands served to the second respondent as evident from Ext.P6 (a). As nothing turned out in the positive, the petitioner moved the first respondent/District Collector as well by submitting Ext.P7. The first respondent called for a report from the second respondent vide Ext.P7(a) dated 17.12.2014. Since no further action was taken, the petitioner sent a reminder/further representation on 12.01.2015 to the first respondent/District Collector, pursuant to which the petitioner was informed by Ext.P8(a) that the outcome will be let known to him at the earliest. The grievance of the petitioner is still to be redressed. Hence this writ petition.

2. Heard the learned Government Pleader as well.

3. The learned Counsel for the petitioner points out that the petitioner is not against measurement of the property, but is only anxious and aggrieved of the delay involved. The learned Government Pleader submits that appropriate steps will be taken in the matter and the property will be caused to be measured out within the shortest possible time.

4. In the above circumstance, the writ petition is disposed

of, directing the respondent concerned to cause all further steps to be pursued to have the property measured out and to have the same demarcated, which exercise shall be completed with notice to the petitioner and other interested parties, if any, at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent/Village Officer for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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