

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C) .No. 5879 of 2013 (H)

PETITIONER(S) :

SREEJA RANI,
AGED 39 YEARS, W/O.P.RADHAKRISHNAN,
POOVATHUKONAM, PULIPPARA,
KARUPPOORU VILLAGE, PRESENTLY RESIDING AT FLAT NO.4L,
D.D.NEST, PULLEPPADY, THAMMANAM ROAD,
KALOOR, KOCHI-17.

BY ADV. SRI.T.R.RAVI.

RESPONDENT(S) :

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1. THE TAHSILDAR,
NEDUMANGADU TALUK, THIRUVANANTHAPURAM, PIN-695 541.
 2. THE SUPERINTENDENT,
DEPARTMENT OF SURVEY AND LAND RECORDS, COLLECTORATE,
CIVIL STATION, KUDAPPANAKKUNNU,
THIRUVANANTHAPURAM DISTRICT, PIN-695 005.
 3. THE TALUK SURVEYOR,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM, PIN-695 541.
 4. THE VILLAGE OFFICER,
KARIPPUR VILLAGE, NEDUMANGAD TALUK, PIN-695 541.
 5. SMT.SARADA,
THADATHARIKATHU VEEDU, THEVARUKUZHI, PULIPPARA,
NEDUMANGAD, PIN-695 541.
 6. MR.SUGUNAN,
ASHA NIVAS, THEVARUKUZHI, PULIPPARA
NEDUMANGAD, PIN-695 541.

BY GOVERNMENT PLEADER SMT. ANITHA RAVEENDRAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

RVS.

WP (C) .No. 5879 of 2013 (H)

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1- THE TRUE COPY OF NOTICE DATED 12/06/2012 FROM
ADDITIONAL TAHSILDAR.

EXHIBIT P2- THE TRUE COPY OF NOTICE DATED NIL FROM TALUK SURVEYOR.

EXHIBIT P3- THE TRUE COPY OF LETTER DATED 10/09/2012.

EXHIBIT P4- THE TRUE COPY OF LETTER DISPATCHED ON 21/10/2012.

EXHIBIT P5- THE TRUE COPY OF LETTER DATED 27/10/2012.

EXHIBIT P6- THE TRUE COPY OF LETTER DATED 14/12/2012.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.M. Shaffique, J.

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W.P (C) No. 5879 of 2013

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Dated this, the 6th day of March, 2015

J U D G M E N T

Petitioner has approached this Court seeking for a direction to respondents 1 and 2 to restore the survey stone on the boundary of the lands belonging to the petitioner and respondents 4 and 5.

2. The facts involved in the writ petition would disclose that though survey has been completed, after some time, one of the survey stones had been removed as a result of which the petitioner was unable to construct boundary wall through the boundary of her property having an extent of 106.50 cents in Sy. Nos. 730/4 and 730/5 of Karippur Village, Nedumangad Taluk. The petitioner submitted an application under Section 17 of the Kerala Survey and Boundaries Act, 1961 as Ext. P3 and later as Ext. P5, but so far, no action had been taken for restoring the survey stone is the complaint. The petitioner was informed by Ext. P6 that the complaint has to be enquired into through police.

3. Counter affidavit has been filed on behalf of the 1st respondent indicating that destruction of boundary stone is a criminal act. However, in the absence of sufficient infrastructure for re-laying the survey stones, the same was not done and similar applications are pending.

4. Having regard to the fact that survey stone can be

fixed only by the respondent authorities, it may not be possible for the petitioner to make necessary arrangement at her instance. Accordingly, there will be a direction respondents 2 and 3 to make necessary arrangements for planting survey stone as claimed by the petitioner in accordance with the procedure prescribed, which shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.M. Shaffique, Judge.

Tds/