

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 4229 of 2015 (C)

PETITIONER :

**VARGHESE, S/O DEVASSY, AGED 70 YEARS,
PAREKKATTIL HOUSE, KARUKUTTY P.O.,
ERNAKULAM DISTRICT, PIN-683 576**

**BY ADVS.SRI.S.K.BALACHANDRAN
SRI.K.P.JOSE
SRI.N.D.DEEPA**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, THRIKKAKKARA,
PIN-682 030**
- 2. TAHASILDAR, TALUK OFFICE, ALUVA,
ALUVA P.O., PIN-683 101**
- 3. ADDL. TAHASILDAR,
TALUK OFFICE, ALUVA, ALUVA P.O.,
PIN-683 101**
- 4. VILLAGE OFFICER,
KARUKUTTY VILLAGE, KARUKUTTY P.O, PIN-683 576**

R1 TO R4 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 4229 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE PARTITION DEED NO.2887/1113 M.E OF SRO
ANGAMALI**
- EXHIBIT P2: TRUE COPY OF THE RELINQUISHMENT DEED NO.3686/2000 OF SRO
ANGAMALI**
- EXHIBIT P3: TRUE COPY OF THE SKETCH OF FIELD NO.166 (BLOCK NO.3) OF
KOTHKULANGARA VILLAGE**
- EXHIBIT P4: TRUE COPY OF THE PETITION DATED 15.1.2015 BEFORE THE ADDL.
TAHASILDAR, ALUVA**
- EXHIBIT P5: TRUE COPY OF THE NOTICE DATED 23.1.2015 ISSUED BY THE
TAHASILDAR, ALUVA.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4229 of 2015

Dated this the 18th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i) To issue a Writ in the nature of Certiorari or other appropriate writ direction, or order calling for the records leading to the initiation of Exhibit-P5 notice.*
- ii) To issue a writ of Mandamus or any other writ or order directing the 2nd respondent to keep in abeyance the proceedings initiated under Exhibit-P5 till a final decision taken upon the Exhibit-P4 petition presented by the petitioner;*
- iii) to issue a writ of Mandamus or any other writ or order directing the 3rd respondent to rectify the mistake in the re survey records with regard to the disputed property of the petitioner."*

2. The learned counsel for the petitioner submits that, the father of the petitioner was the owner of the property having an extent of 3.56 Acres in old Sy.No.900/10 of Kothakulangara Village covered by Ext.P1 'title deed'. On demise of the father, all the other legal representatives executed Ext.P2 'relinquishment deed' over the relevant extent involved herein, by virtue of which, the petitioner became the absolute owner of the said property. However, there occurred some mistake in the Re-Survey as

evident from Ext.P3, by virtue of which, a portion of the property came to be shown as 'puramboku'. Being aggrieved by the said situation, the petitioner has moved the 3rd respondent by filing Ext.P4 petition for effecting necessary corrections. However, without any regard to the pendency of the above proceedings, the property which is shown as 'puramboku' is sought to be assigned to persons having 'no land' under the 'Zero Land Less Scheme'. The petitioner has been served Ext.P5 notice under Section 12 of the Kerala Land Conservancy Act, 1957. This made the petitioner to approach this Court by filing the writ petition.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 3rd respondent to consider pass final orders on Ext.P4 in accordance with law, taking necessary steps so as to redress the grievance of the petitioner, if the same is proper and in order. This shall be done, after affording an opportunity of hearing to the petitioner and other interested parties if any, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

5. Implementation of further proceedings pursuant to

Ext.P5 shall be kept in abeyance, till such time.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 3rd respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON, JUDGE.

Pn