

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 4583 of 2015 (W)

PETITIONER :

**T.N.BALAKRISHNAN, AGED 48 YEARS,
SON OF NARAYANA SHETTY, THEKKEKOIKKAL HOUSE,
CHEPPANAM,PANANGAD P.O., ERNAKULAM-682 506.**

**BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)
SRI.RILGIN V.GEORGE
SMT.E.U.DHANYA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-645 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM-682 030.**
- 3. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, KANAYANNUR TALUK,
ERNAKULAM-682 011.**
- 4. THE TALUK SURVEYOR,
KANAYANNUR TALUK, ERNAKULAM-682 011.**

R1 TO R4 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 4583 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE APPLICATION DATED 27.1.2015 OF THE
PETITIONER SUBMITTED TO THE 3RD RESPONDENT.**

**EXHIBIT-P2: TRUE COPY OF THE REPORT DATED 19.12.2013 OF THE VILLAGE
OFFICER, KUMBALAM.**

RESPONDENT(S)' EXHIBITS;

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.4583 of 2015

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Dated this the 4th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- i) Issue a writ of mandamus or such other writ, direction or order compelling the 3rd respondent to consider Ext.P1 application affording an opportunity of hearing to the petitioner within a time frame to be fixed by this Hon'ble Court.
- ii) Issue such other writ, direction or order as is deemed just and necessary in the facts, features and circumstances of the case.

2. The grievance of the petitioner appears to be that some mistake in the Resurvey records has been occurred, by virtue of which the petitioner is not in a position to enjoy the property having an extent of 5.02 Ares of land in Resurvey No.44/3. Block No.17 of Kumbalam Village. The petitioner

has already moved the 3rd respondent by filing an application on 27.01.2015 for doing the needful, which, however, is still to be acted upon. Reliance is also placed on Ext.P2 report dated 19.12.2013 of the Village Officer virtually conceding the case projected by the petitioner to the effect that there is a mistake in the records and hence, the writ petition.

3. The learned Government Pleader appearing for the respondents points out that the remedy of the petitioner actually lies before the 2nd respondent by virtue of the mandate under Section 13A of the Kerala Survey and Boundaries Act. If the petitioner files a proper application in this regard, the same will be considered and finalized within the shortest possible time, submits the learned Government Pleader.

4. In the above circumstance, the petitioner is relegated to move the 2nd respondent by filing a proper application under Section 13A of the Kerala Survey and Boundaries Act, which shall be done at the earliest, within

two weeks from the date of receipt of a copy of this judgment. On receipt of the application as above, further steps shall be taken and the proceedings shall be finalized after affording an opportunity of hearing to the petitioner at the earliest, at any rate, within 'three months' 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 for further steps.

Sd/-
P.R.RAMACHANDRA MENON, JUDGE

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