

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 5969 of 2015 (U)

PETITIONER :

**M.L.JOSEPH, AGED 69 YEARS,
S/O THE LATE LONAN MADATHILPARAMBIL EDAYAKKUNNAM,
VALAM, SOUTH CHITTOOR P.O., ERNAKULAM DISTRICT
PIN-683 027**

**BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM PIN-695 001**
- 2. DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM PIN-682030**
- 3. ADDITIONAL TAHSILDAR, TALUK OFFICE, KANAYANNUR TALUK,
ERNAKULAM PIN-682011**
- 4. VILLAGE OFFICER,
CHERANALLUR VILLAGE, ERNAKULAM DISTRICT, PIN-682034**
- 5. TALUK SURVEYOR,
KANAYANNUR TALUK, ERNAKULAM DISTRICT, PIN-682011**

R1 TO R5 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1: TRUE COPY OF THE SALE DEED DATED 29.4.1972 REGISTERED AS
DOCUMENT NO.1312 OF SRO ERNAKULAM.
- EXT.P2: TRUE COPY OF THE RECEIPT DATED 4.5.1995 ISSUED BY THE 4TH
RESPONDENT FOR HAVING PAID THE BASIC TAX OF THE PROPERTY.
- EXT.P3: TRUE COPY OF THE SAID NOTICE DATED 18.12.2013 ISSUED BY THE
5TH RESPONDENT TO THE PETITIONER AND OTHERS.
- EXT.P4: TRUE COPY OF THE SAID REPORT DATED 29.4.2014 BEARING
NO.SI-13276/13 ISSUED BY THE 5THE RESPONDENT

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

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 5969 of 2015

Dated this the 26th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

i. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 4th respondent to measure out the land covered by Exhibit P-1 and include the same in the Re-Survey records and other revenue records including the basic tax register concerned in the name of the petitioner and other legal heirs of his mother the late Anna

ii. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 4th respondent to consider and pass orders on Exhibit P-3 application forthwith.

iii. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 4th respondent to receive basic tax for the 61 cents of land covered by Exhibit P-1

iv. Allow cost of the petition to the petitioner.

v. Grant such other and further reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

The learned counsel for the petitioner submits that the grievance of the petitioner has also been projected by way of Ext.P3 application which is pending consideration before the 4th respondent/Village Officer and that the prayer is only to cause the same to be considered and disposed of within a reasonable time.

2. The learned Government Pleader points out that, so as to redress the mistake in the re-survey records the competent authority to deal with the situation is 2nd respondent. It is also pointed out that the petitioner is at liberty to file a petition under Section 13 A of the Kerala Survey and Boundaries Act.

3. In the said circumstance, the petitioner is at liberty to file a proper petition as aforesaid within 'two weeks' from the date of receipt of a copy of this judgment, upon which the same shall be considered and appropriate orders shall be passed in accordance with law, taking necessary steps to measure out the property through the third respondent, with notice to the petitioner and other interested parties, if any. The proceedings as above shall be finalized 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 concerned respondent for further steps.

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