

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 6022 of 2015 (C)

PETITIONER :

**VALAPPIL BAVUTTY,
S/O.BAVUTTY, VALAPPIL HOUSE, VETTOM AMSOM,
PADIYAM DESOM, VETTOM (P.O), TIRUR TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENT(S):

- 1. THE TAHASILDAR, TIRUR,
TIRUR TALUK, TIRUR (PO), PIN-676 101,
MALAPPURAM DISTRICT.**
- 2. THE VILLAGE OFFICER,
MANGALAM, MANGALAM (PO), PIN-676 101
TIRUR TALUK MALAPPURAM DISTRICT.**

***ADDL.R3 IMPEADED**

***ADDL.R3: THE REVENUE DIVISIONAL OFFICER TIRUR
TIRUR(PO), PIN-676 101, TIRUR TALUK,
MALAPPURAM DISTRICT.**

***ADDL.R3 IS IMPEADED AS PER ORDER DATED 02/03/2015 IN IA.NO.3087/2015**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - A TRUE COPY OF THE DOCUMENT 2701/2012 DATED 14-6-2012.
- EXT.P2 - A TRUE COPY OF THE RELEVANT PORTION OF PUBLICATION OF THE
FARE VALUE REGISTER IN THE GAZHATTE DATED 03-01-2012
- EXT.P3 - A TRUE COPY OF THE PATTa ISSUED TO MR.PARAMMAL ITTAMAN
DATED JANUARY, 1970
- EXT.P4 - A TRUE COPY OF THE REPLY GIVEN BY THE 1ST RESPONDENT DATED
5-12-2009
- EXT.P5- A TRUE COPY OF THE VILLAGE ADANGAL DATED 28-6-2008
- EXT.P6 - A TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 23-7-2013
- EXT.P7 - A TRUE COPY OF THE JUDGMENT IN WPC.23383/2013 DATED 4-10-2013
- EXT.P8 - A TRUE COPY OF THE ORDER DATED 17-12-2014 PASSED BY THE 1ST
RESPONDENT
- EXT.P9 - A TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER FOR
EFFECTING MUTATION OF THE PROPERTY DATED 05-02-2015

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R.RAMACHANDRA MENON, J.

W.P.(C).No.6022 of 2015

Dated this the 2nd day of March, 2015

JUDGMENT

The petitioner has approached this Court, by challenging Ext.P8 order passed by the Additional Tahsildar, Tirur. It is seen that the said order was passed pursuant to Ext.P7 judgment passed by this Court on 4.10.2013 in W.P.(C) No.23383 of 2013. As per Ext.P8, the request made by the petitioner for effecting mutation has been turned down and the petitioner has been directed to surrender the possession of the property, as it is a matter of encroachment, according to the concerned authority who passed Ext.P8.

2. Heard the learned Government Pleader as well.

3. This Court finds that Ext.P8 is an appealable order and that the petitioner is having an alternative remedy before the additional third respondent. The learned Government Pleader also points out that, in respect of both the limbs covered by Ext.P8, ie., with regard to mutation as well as encroachment, the

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additional third respondent is the competent authority to deal with the appeal.

4. In the above circumstances, the petitioner is set at liberty to move the additional third respondent by filing an appeal. If any such appeal is filed, within 'two weeks' from the date of receipt of a copy of this judgment, the same shall be considered and appropriate orders shall be passed in accordance with law, after affording an opportunity of hearing to the petitioner and other interested parties, which shall be done at the earliest and at any rate within a period of 'six weeks' from the date of preferring such an appeal.

'Status quo' shall be maintained till such time.

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

Sd/-

**P.R.RAMACHANDRA MENON,
JUDGE.**

rkc.