

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.6103 of 2015 (K)

PETITIONER:

**DHAREEFA BEEVI.A, SHAJAHAN MANZIL,
MANAKKADU, VADAKKEVILA P.O.
KOLLAM - 10.**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.P.ARINUSA**

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
LAND REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF SURVEY AND LAND RECORDS,
DIRECTORATE OF SURVEY AND LAND RECORDS,
VAZHUTHACAUD, THIRUVANANTHAPURAM - 695 014.**
- 3. THE DISTRICT COLLECTOR, COLLECTORATE, KOLLAM - 691 013.**
- 4. THE DISTRICT SURVEY SUPERINTENDENT,
COLLECTORATE, KOLLAM - 691 013.**

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:**

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WP(C).No.6103 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P-1:TRUE COPY OF THE NOTICE DATED 23.5.2007 ISSUED BY THE 3RD
RESPONDENT.**

**EXT.P-2:TRUE COPY OF JUDGEMENT DATED 12.3.2009 IN WPC NO.15899/2007 OF
THIS HON'BLE COURT.**

**EXT.P-3:TRUE COPY OF THE ORDER DATED 10.11.2009 ISSUED BY THE 2ND
RESPONDENT.**

**EXT.P-4:TRUE COPY OF ORDER BEARING NO.61702/E3/11/RD DATED 19.4.2012
ISSUED BY THE 1ST RESPONDENT.**

**EXT.P-5:TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT
DATED 5.8.2014**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 6103 of 2015

Dated this the 26th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“a) To issue a writ of mandamus or other appropriate writ order or direction direction the 4th respondent to take a final decision pursuant to Ext.P5 notice and in compliance with the direction issued by the 1st respondent in Ext.P4 order.

b. To pass such other and further orders as are deemed just and necessary in the facts and circumstances of the case.

On receipt of Ext.P1 notice the petitioner submitted a petition before the 3rd respondent requesting to rectify the mistake in the re-survey. The 3rd respondent forwarded the representation to the 4th respondent, but the same was rejected by the said respondent. The petitioner challenged the above order before the 2nd respondent by way of appeal, simultaneously filing W.P.(C). 15899 of 2007 before this Court. The said writ petition was disposed of directing the 2nd respondent to consider the appeal. The second respondent passed Ext.P3 order rejecting the appeal

and hence further appeal was filed before the 1st respondent who issued Ext.P4 order remitting the matter back to the 4th respondent for fresh consideration. Pursuant to Ext.P4 order, the 4th respondent issued Ext.P5 notice to appear for an enquiry on 13.08.2014. The petitioner's representative appeared before the said respondent but has not taken any decision so far to redress the grievance of the petitioner and hence the writ petition with above prayers.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 4th respondent to finalize issue forming the subject matter of Ext.P5 notice in accordance with law after giving an opportunity of hearing to the petitioner and other interested parties, if any, at the earliest, at any rate, within 'two months' from 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 4th respondent for further steps.

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