

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 6357 of 2014 (T)

PETITIONER(S):

**ALEXANDER, AGED 55 YEARS,
S/O.LATE YESUDAS, MUKKUMKAL HOUSE,
EZHIMATTOOR VILLAGE,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.R.SANTHOSH BABU
SRI.C.G.SALIM**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR PATHANAMTHITTA DISTRICT,
PIN: 689 645.**
- 2. SUPERINTENDENT OF SURVEY, CIVIL STATION,
PATHANAMTHITTA DISTRICT, PIN: 689 645.**
- 3. THE VILLAGE OFFICER,
EZHIMATTOOR VILLAGE, MALLAPPALLY TALUK,
PATHANAMTHITTA, PIN: 689 564.**

BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF GIFT DEED NO.355/1983 OF VENNIKULAM S.R.O
DATED 3/1/1983.**
- EXT.P2: TRUE COPY OF PARTITION DEED NO.693/1997 OF VENNIKULAM SUB
REGISTRAR'S OFFICE, DATED 29/4/1997**
- EXT.P3: TRUE COPY OF RECEIPT DATED 16/8/2012.**
- EXT.P4: TRUE COPY REVISION PETITION DATED 8/1/2013 FILED BY
PETITIONER BEFORE 1ST RESPONDENT.**
- EXT.P5: TRUE COPY OF JUDGMENT IN WPC NO.17244/2013 DATED 11/7/2013.**
- EXT.P6: TRUE COPY OF ORDER NO.C3.30578/13/K.DIS ISSUED BY 1ST
RESPONDENT.**
- EXT.P7: TRUE COPY OF APPLICATION DATED 27/12/2013 FILED BY PETITIONER
AND OTHER CLAIMANTS**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

W.P(C). No.6357 of 2014

Dated this the 29th day of July, 2015.

JUDGMENT

The petitioner is one of the legal heirs of one Yesudas. Yesudas is said to have been in possession of 95 cents of property in Survey No.217/1 in Mukkumkal House, Ezhimattoor Village, Mallappally Taluk. The said property is said to have been settled on Yesudas by virtue of a Gift Deed of 1983, produced as Ext.P1 herein. Yesudas is said to have sold an extent of 60 cents and then later, by the legal heir's mother, 7 cents from the 95 cents, by virtue of two deeds.

2. The petitioner along with his siblings partitioned the property left by Yesudas by Ext.P2 Partition Deed in the year 1997. However, when the petitioner and the other siblings attempted to pay the tax, they were stopped from doing so, by reason of there being no records available. The purchaser of the 60 cents, which Yesudas sold has paid the tax as per Ext.P3. The

petitioner, aggrieved with the fact that the property possessed by the petitioner was not figuring at all in the Revenue Records, was before this Court with WP(C) No.17244 of 2013, which was disposed of by Ext.P5. Ext.P5 directed consideration of Ext.P4 complaint. Now Ext.P6 has been issued, wherein it has been stated that 2.43 Ares, now in possession of the cousin of the petitioner, would be mutated in favour of the legal heirs of Yesudas. It was also stated therein that, with respect to the balance portion, when the respective persons, who are in possession, approaches the Additional District Magistrate, decision will be taken in accordance with law, within a period of two months.

3. In such circumstances, it is for the persons, who are in possession of the respective lands as per Ext.P2 Deed, to approach the addl. Tahsildar for initiating appropriate proceedings. The petitioner submits that, an application has been given as per Ext.P7, however that is jointly by all the persons. That is not what is intended. Each person should assert his possession and apply for a proper survey of the property with

notice to the adjacent property owners to effect any sort of correction in the revenue records.

In such circumstances, the writ petition is closed, leaving open the remedies of the individual parties.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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