

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 7801 of 2014 (A)

IN OS 40/2008 of MUNSIFF COURT, PALA

PETITIONER(S) :

K.K.SAHADEVAN,
S/O.KUNJAN KONTHI, KUDIL HOUSE, PIRAYAR KARA,
KINDANGOOR VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT.

BY ADVS.SRI.S.RANJIT (KOTTAYAM)
SRI.GOKUL DAS V.V.H.

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN: 695 001.
2. REVENUE DIVISIONAL OFFICER,
PALA, KOTTAYAM, PIN: 686 589.
3. TAHSILDAR,
MEENACHIL TALUK, PALA, KOTTAYAM DISTRICT, PIN: 686 589.
4. ADDITIONAL TAHSILDAR,
MEENACHIL TALUK, PALA, KOTTAYAM DISTRICT, PIN: 686 589
5. VILLAGE OFFICER,
KIDANGOOR VILLAGE, KOTTAYAM, PIN: 686 572.
6. TALUK SURVEYOR,
MEENACHIL TALUK, PALA, KOTTAYAM DISTRICT, PIN: 686 589.
7. SUPERINTENDENT OF SURVEY & LAND RECORDS,
PALA, KOTTAYAM DISTRICT, PIN: 686 589.
8. K.K.GOPALAKRISHNAN,
S/O.KUNJAN KONTHI, KUDIL HOUSE, PIRAYAR KARA, KINDANGOOR VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT, PIN: 686 572.
9. K.K.NARAYANAN,
S/O.KUNJAN KONTHI, KUDIL HOUSE, PIRAYAR KARA, KINDANGOOR VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT, PIN; 686 572.

R8 BY ADV. SRI.VARGHESE C.KURIAKOSE &
BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1: TRUE COPY OF THE WILL BEARING NUMBER 30/1989 DATED 20/06/1989 BEFORE THE SUB REGISTRAR'S OFFICE, KIDANGOOR.
- EXT.P2: TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT BEARING NUMBER 4326/06/A/TDIS DATED 27/04/2007.
- EXT.P3: TRUE COPY OF THE LETTER BEARING NUMBER A-4076/05/LDIS DATED 20/01/2006 ISSUED BY 2ND RESPONDENT.
- EXT.P4: TRUE COPY OF THE PLAINT IN OS. NO.40/2008 BEFORE THE MUNSIFF'S COURT, PALA.
- EXT.P5: TRUE COPY OF THE JUDGMENT DATED 22/10/2010 IN OS. NO.40/2008 BEFORE THE MUNSIFF'S COURT, PALA.
- EXT.P6: TRUE COPY OF THE JUDGMENT DATED 13/7/2012 IN AS. NO.13/2011 BEFORE THE SUBORDINATE JUDGE'S COURT, PALA.
- EXT.P7: TRUE COPY OF THE JUDGMENT DATED 27/1/2014 IN WPC NO.1376/2014 BEFORE THIS HON'BLE COURT.
- EXT.P8: TRUE COPY OF THE NOTICE DATED 06/03/2014 ISSUED BY THE 6TH RESPONDENT.
- EXT.P9: TRUE COPY OF THE PLAINT IN OS. NO.87/2014 BEFORE THE MUNSIFF'S COURT, PALA.
- EXT.P10: TRUE COPY OF THE APPLICATION DATED 11/03/2014 SUBMITTED BY THE PETITIONER.

RESPONDENT(S) ' EXHIBITS :

- EXT.R8 (A): TRUE PHOTOCOPY OF THE TAX RECEIPT DATED 06/06/2008.
- EXT.R8 (B): TRUE PHOTOCOPY OF THE ORDER DATED 30/07/2013.
- EXT.R8 (C): TRUE PHOTOCOPY OF THE INFORMATION RECEIVED UNDER RIGHT TO INFORMATION ACT.
- EXT.R8 (D): TRUE PHOTOCOPY OF THE INFORMATION RECEIVED UNDER RIGHT TO INFORMATION ACT.
- EXT.R8 (E): TRUE PHOTOCOPY OF THE THANDAPER ACCOUNT PERTAINING TO THE WILL DEED.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.7801 of 2014 - A

=====

Dated this the 17th day of July, 2015

J U D G M E N T

The petitioner was aggrieved with a decision in Ext.P7 judgment, a writ petition filed by the 8th respondent which directed survey of certain properties and mutation as a consequence. The petitioner submits that the survey and demarcation of the properties is the subject of dispute in a suit in which the petitioner is the plaintiff and the respondents 8 and 9 are the defendants. The petitioner contends that the petitioner has filed a review from Ext.P7 judgment and on the very same subject matter O.S No. 87/2014 is pending before the Munisiff's Court, Pala.

2. In such circumstance, there is absolutely no reason why the writ petition should be kept pending. The petitioner could raise all contentions before this court in the review and

W.P.(C) No.7801 of 2014 - A

also in the suit.

The writ petition hence would stand dismissed,
leaving open the contentions of either parties.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P. A to Judge.