

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 7691 of 2015 (J)

PETITIONER(S):

**GOURI, AGED 85 YEARS,
D/O.KOCHUTHARAYIL KOCHUPENNU, VAIKKAPRAYAR MURI,
VAIKKOM VADAKKEMURI VILLAGE, KOTTAYAM DISTRICT.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

- 1. THE STATE OF KERALA
REP. BY THE SECRETARY TO THE GOVT.,
REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001.**
- 2. THE DISTRICT COLELCTOR,
COLLECTORATE, KOTTAYAM 686 001.**
- 3. THE TAHSILDAR,
VAIKKOM TALUK OFFICE- 682 022.**
- 4. THE VILALGE OFFICER,
VAIKKOM NADUVILE VILLAGE, KOTTAYAM DISTRICT 686 001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 7691 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 A TRUE COPY OF THE DOCUMENT BEARING NO 930 OF 81 DATED 7-3-1981
OF THE VAIKKOM S.R.O**

**EXT.P2 A TRUE COPY OF THE ORDER OF THE THIRD RESPONDENT DATED
19-06-2014**

**EXT.P3 A TRUE COPY OF THE REPRESENTATION OF THE PETITIONER BEFORE THE
THIRD RESPONDENT DATED 29-11-2014**

**EXT.P4 A TRUE COPY OF THE ORDER PASSED BY THE THIRD RESPONDENT DATED
19-1-2015**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 7691 of 2015

Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

“(i) call for the records leading to and may be pleased to issue a writ of certiorari to quash Ext.P4 in the interest of justice.

(ii) Issue a Writ of Mandamus or any other appropriate writ order or direction commanding the respondent 3 and 4 to reconsider the entire issue as stated in Ext.P3, and in accordance to law to determine the same, within specified time limits, in the interest of justice.

AND

(iii) To pass any such or further orders as the petitioner may seek and this Hon'ble Court deem fit to grant.”

2. The learned Government Pleader submits on instructions that, the version of the petitioner that the petitioner is in possession of an extent of 21 cents of property comprised in concerned Survey Number is not correct and that the actual extent available in the concerned Thandaper Number is only to an extent of 5 cents. It was accordingly, that willingness was expressed as per Ext.P4 dated 19.01.2015 to have the mutation effected in respect of the aforesaid 5 cents, making it clear that the grievance in respect of the remaining portion can be considered only subject to finalisation

of the resurvey proceedings. The learned Government Pleader also points out that, if the petitioner is aggrieved of Ext.P4, it is still open for him to move the Appellate Authority in terms of Rule 18 of the Transfer of Registry Rules.

3. Heard the matter afresh, in view of the submission made across the bar on 24.03.2015. The learned counsel for the petitioner submits that, there is absolutely no basis for the stand taken by the respondents as revealed from Ext.P4 and the mistake, if at all any, was on the part of the Revenue Authorities and not on the part of the petitioner, who is enjoying the entire extent of 21 cents of land covered by Ext.P1 sale deed. How the said extent came to be recorded in the Revenue records, pursuant to Re-Survey as '5' cents is not known to the petitioner. It is stated that, the petitioner is an octogenarian having crossed the age of 85 years and wants to enjoy the property in a proper manner, simultaneously adding that, the petitioner is ready to meet the necessary expenses, so as to conduct the survey of the petitioner's land and the adjoining land, if necessary.

4. The Government Pleader submits that, the petitioner can be let to file a proper application under either Form 8 or Form 10 of the Survey and Boundaries Rules, satisfying the

requirements and on such an event, the matter can be considered and finalised in the shortest possible time.

5. In the above circumstance, the petitioner is set at liberty to file necessary proceedings, as aforesaid before the 3rd respondent. On satisfaction of the amount/expenses in this regard to be specified by the said respondent, the proceedings shall be finalised with notice to the petitioner and other interested parties, if any. It shall be done, at the earliest, at any rate, within three months from the date of receipt of a copy of the judgment.

The writ petition stands disposed of. 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

Pn