

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937**

**WP(C).No. 9520 of 2015 (L)**  
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**PETITIONER(S) :**  
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**SIDHRATHAN, AGED 82 YEARS,  
S/O.KUNJAN, THAZHATHARAYIL (NADUVILTHARAYIL),  
KOKKOTHAMANGALAM VILLAGE,  
CMC-9, CHERTHALA, ALAPPUZHA- 688 524.**

**BY ADV. SRI.ABDUL JALEEL.A**

**RESPONDENT(S) :**  
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- 1. THE DEPARTMENT OF REVENUE,  
REPRESENTED BY THE DISTRICT COLLECTOR, CIVIL STATION,  
COLLECTORATE, ALAPPUZHA- 688 001.**
- 2. EXECUTIVE ENGINEER, MINOR IRRIGATION DEPARTMENT,  
NEAR TB, CHERTHALA, ALAPPUZHA DISTRICT-688 524.**
- 3. THE VILLAGE OFFICER, KOKKOTHAMANGALAM VILLAGE OFFICE,  
KOKKOTHAMANGALAM VILLAGE OFFICER, CHERTHALA P.O.,  
ALAPPUZHA- 688 524.**
- 4. THE CHERTHALA MUNICIPALITY, REPRESENTED BY THE SECRETARY,  
MUNICIPAL OFFICE, CHERTHALA- 688 524.**
- 5. AMMINI JANARDHANAN, AGED ABOUT 66 YEARS, W/O. NOT KNOWN,  
NIKARTHIL, CMC-9 CHERTHALA ALAPPUZHA- 688 524.**
- 6. SAJEEVAN, AGED ABOUT 40 YEARS, S/O. NOT KNOWN,  
MUKKOMPARAMBIL, CMC-9, CHERTHALA, ALAPPUZHA- 688 524.**
- 7. JANARDHANAN, AGED ABOUT 65 YEARS, S/O.NOT KNOWN,  
THAZHATHARAYIL, CMC-9, CHERTHALA, ALAPPUZHA- 688 524.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR  
R4 BY ADV. SRI.JOBY CYRIAC, S.C  
R5 & R6 BY ADVS. SRI.SABU GEORGE  
SRI.NIDHI BALACHANDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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**EXHIBIT P1: TRUE COPY OF PATTA IN O.A.NO.2335/1970 OF LAND TRIBUNAL, KANJIKUZHAY DATED 02.07.1971.**

**EXHIBIT P2: TRUE COPY OF SALE DEED NO.1246/1971 OF CHERTHALA SRO.**

**EXHIBIT P3 SERIES: TRUE COPIES OF THE TAX RECEIPT OF PETITIONERS PROPERTIES.**

**EXHIBIT P4: TRUE COPY OF PLAINT FILED BY PETITIONER.**

**EXHIBIT P5: A TRUE COPY OF THE THE INJUNCTION ORDER DATED 01.06.2013 PASSED BY LEARNED MUNISIFFS COURT, CHERTHALA.**

**EXHIBIT P6: TRUE COPY OF REPORT AND SKETCH FILED BY ADVOCATE COMMISSIONER.**

**EXHIBIT P7: TRUE COPY OF THE R1 APPLICATION DATED 01.11.2014.**

**EXHIBIT P8: TRUE COPY OF REPLY OF 2ND RESPONDENT DATED 27.11.2014**

**EXHIBIT P9: TRUE COPY OF THE REPRESENTATION FILED BEFORE 1ST RESPONDENT.**

**RESPONDENT(S)' EXHIBITS :**  
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**EXHIBIT R5(A): TRUE COPY OF THE LETTER DATED 06.04.2013.**

**EXHIBIT R5(B): TRUE COPY OF THE NOTICE DATED 03.05.2013.**

**EXHIBIT R5(C): TRUE COPY OF THE REPORT DATED 06.11.2013 AND SKETCH BY THE TALUK SURVEYOR.**

**EXHIBIT R5(D): TRUE COPY OF THE REPRESENTATION DATED 23.07.2014.**

**//TRUE COPY//**

**P.S.TO JUDGE.**

Msd.

**A.MUHAMED MUSTAQUE, J.**

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**W.P(C).No. 9520 of 2015**  
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**Dated this the 15<sup>th</sup> October, 2015**

**JUDGMENT**

The petitioner has approached this Court alleging that the second respondent is attempting to take action against the petitioner's property without authority of law.

2. In the counter affidavit filed by the party respondents it is stated that the Tahsildar found out that the petitioner illegally encroached upon puramboke road and constructed a fencing, hence the petitioner has been directed to remove the same. Exhibit R5(b) is the order of the Tahsildar.

In the above facts and circumstances, this Court is of the view that essentially the issue is relating to identity of the property belonged to the petitioner. If the petitioner approaches the Tahsildar within one week from the date of receipt of a copy of this judgment, the Tahsildar shall demarcate the property of the petitioner. In the process, necessarily, the party respondents shall also be heard. It

is only after demarcation of the property, the Tahsildar shall take further action depending upon the identification of the petitioner's property.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE  
JUDGE**

vgs15/10/15