

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 12245 of 2015 (E)

PETITIONER :

PUSHPADHARAN,
S/O.SREEDHARAN,AGED 57 YEARS,
HOUSE NO.XII/530, THALIYADIYIL,
MUHAMMA P.O, CHERTHALA, PIN- 688 525.

BY ADVS.SMT.C.G.BINDU
SMT.C.G.AJITHA

RESPONDENT(S):

1. TAHSILDAR, CHERTHALA TALUK,
TALUK OFFICE, CHERTHALA, PIN- 688 524.
2. TALUK SURVEYOR,
OFFICE OF THE TALUK SURVEYOR,
CHERTHALA TALUK, PIN- 688 524.
3. SUSHAMA,
W/O.REGHUDEVAN, KARIKKATTIL, MUHAMMA P.O,
CHERTHALA,PIN- 688 525.

*ADDL.R4 IMPEADED

*ADDL.R4: PRINCE.M., VAISAKH,
MUHAMMA.P.O., CHERTHALA.

*ADDL.R4 IS IMPEADED AS PER ORDER DATED 19/10/2015 IN IA.NO.6694/15

R1 & R2 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R3 BY ADV. SRI.T.B.SARASAN
ADDL.R4 BY ADV. SRI.J.OM PRAKASH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE RELEVANT PAGES OF RATION CARD ISSUED FOR THE PERIOD 1996-2001.
- EXHIBIT P1(A). COPY OF THE RELEVANT PAGES OF RATION CARD ISSUED FOR THE PERIOD 2001-2006.
- EXHIBIT P2. COPY OF THE CURRENT BILL ISSUED BY THE KERALA STATE ELECTRICITY BOARD FOR CONSUMER NUMBER 7408.
- EXHIBIT P3. COPY OF THE TELEPHONE BILL ISSUED BY BHARAT SANCHAR NIGAM LTD.
- EXHIBIT P4. COPY OF THE RESIDENCY CERTIFICATE FROM KANJIKKUZHY GRAMA PANCHAYAT FOR APPLYING WATER CONNECTION DATED 14.05.14.
- EXHIBIT P5. COPY OF THE ASSESSMENT ORDER ISSUED BY RESPONDENT.
- EXHIBIT P5(A). COPY OF THE PAYMENT RECEIPT FOR RS.760/- DATED 6.8.08.
- EXHIBIT P6. COPY OF THE ACKNOWLEDGMENT ISSUED FROM DISTRICT INDUSTRIES CENTRE FOR SUBMITTING MEMORANDUM FOR A MICRO MANUFACTURING ENTERPRISE DATED 25.4.08.
- EXHIBIT P7. COPY OF THE DEMAND NOTICE ISSUED BY BRANCH MANAGER, STATE BANK OF INDIA DATED 26.2.11.
- EXHIBIT P7(A). COPY OF THE DEMAND NOTICE ISSUED BY BRANCH MANAGER STATE BANK OF INDIA DATED 26.6.13.
- EXHIBIT P8. COPY OF THE JUDGMENT DATED 17.9.14 IN WPC.NO. 23668/14 OF THIS HON'BLE COURT.
- EXHIBIT P9. COPY OF THE INTIMATION IN FORM NO.6 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P10. COPY OF THE NOTICE DATED 10/2/2014 ISSUED BY THE DEPUTY DIRECTOR OF SURVEY
- EXHIBIT P10(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P10
- EXHIBIT P11. COPY OF THE NOTICE DATED 12/5/2015 ISSUED FROM THE OFFICE OF 1ST RESPONDENT TO THE PETITIONER.

WP(C).NO.12245/2015

**EXHIBIT P11(A). COPY OF THE APPLICATION SUBMITTED BY PETITIONER UNDER
RIGHT TO INFORMATION ACT.**

**EXHIBIT P11(B). COPY OF THE INFORMATION GIVEN BY THE STATE PUBLIC
INFORMATION OFFICER OF DEPUTY DIRECTOR OF SURVEY**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 12245 of 2015

=====

Dated this the 19th day of October, 2015

J U D G M E N T

The writ petition is filed challenging Ext.P9 notice issued under the Surveys and Boundaries Act by the Taluk Surveyor. The petitioner points out that in spite of the direction issued by this Court in W.P.C No. 23668/2014, no decision is taken by the Tahsildar.

2. It appears that this exercise has been carried by the Taluk Surveyor to identify the properties of the petitioner as well as the party respondents.

3. This Court is of the view that the Taluk Surveyor is free to carry out the exercise as per Ext.P9. However before proceeding further, the objection raised by the petitioner shall be adverted to. While finalizing the matter by the Tahsildar, the report of Taluk Surveyor as well as the objection of the petitioner shall be considered. If the petitioner is obstructing, necessarily the Taluk Surveyor and the Tahsildar is free to obtain police assistance.

Needful shall be done within two months from the date of receipt of the copy of this judgment. The finalization shall be in accordance with Ext. P8 judgment.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE