

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 15429 of 2015 (C)

PETITIONER(S) :

**REMANI K.P, AGED 62 YEARS,
W/O.P.R.RAVEENDRAN, PANOOR HOUSE, POOYYAPPILLY,
VADAKKEKARA P.O, NORHT PARAVOOR- 683 522.**

**BY ADVS.SRI.O.V.MANIPRASAD
SRI.JOSE ANTONY**

RESPONDENT(S) :

- 1. THE TAHSILDAR,
PARAVOOR TALUK, NORTH PARAVOOR,
ERNAKULAM DISTRICT- 683 522.**
- 2. THE TALUK SURVEYOR,
NORHT PARAVOOR- 683 522.**
- 3. THE VILLAGE OFFICER, VADAKKEKARA VILLAGE,
VADAKKEKARA P.O, NORTH PARAVOOR, ERNAKULAM, PIN- 683 522.**
- 4. BABU K.S., AGED 60 YEARS, S/O.SUDHAKARAN,
KALATHIL HOUSE, POOYYAPPILLY, VADAKKEKARA P.O.,
NORTH PARAVOOR- 683 522.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R4 BY ADVS. SRI.G.D.PANICKER
SMT.JEENA JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE ASSIGNMENT DEED NO.4662 OF 1983 OF SRO,
PARAVOOR DATED 14.10.1983.**
- P2: TRUE COPY OF THE APPLICATION DATED 12.02.2015 IN FORM NO.8.**
- P3: TRUE COPY OF THE PETITION DATED 12.02.2015.**
- P4: TRUE COPY OF THE CHELAN RECEIPT EVIDENCING THE PAYMENT OF
SURVEY CHARGES.**
- P5: TRUE COPY OF THE REPORT DATED 13.02.2015 OF
THE 3RD RESPONDENT.**
- P6: TRUE COPY OF THE NOTICE DATED 09.04.2015 ISSUED BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

EXHIBIT R4(A): A TRUE PHOTOCOPY OF THE LETTER DATED 16.04.2015.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 15429 of 2015

Dated this the 14th day of September, 2015

J U D G M E N T

The petitioner applied for measuring, surveying and demarcating the property of the petitioner covered by Ext.P1, as applied for in Ext.P2.

2. The fourth respondent submitted that he has no objection in measuring and demarcating the property. However, it is admitted that they have right of pathway, which has to be preserved.

3. The learned Government Pleader submitted that there are objections from the neighbouring owners and re-survey has not been effected in respect of the property and they can rely on only old survey.

4. This Court is of the view that the Tahsildar shall complete the demarcation and survey of the property as requested by the petitioner after issuing notice to all the affected parties including the fourth

respondent. The right of the fourth respondent, if at all, is available, certainly cannot be a subject matter of any surveying and demarcating the property. Therefore, if any right of pathway is being interfered, the fourth respondent is free to take action against the petitioner or any person in accordance with law.

5. Survey shall be conducted based on old survey. It is made clear that surveying and demarcating the property is only for the purpose of giving necessary sketch to the petitioner and not to establish partitioning right over the land. Necessary action shall be completed by the Tahsildar within three months after issuing notice to all.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/