

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 16479 of 2014 (H)

PETITIONER :

**I.T.H.COMPANY,
HAVING REGISTERED OFFICE AT
THRIKKANARVATTOM AMSOM, DESOM,
M.G ROAD, ERNAKULAM
REPRESENTED BY THE MANAGING PARTNER SUNNY K. PETER
S/O.CHERIYA PATHROSE, AGED 53, KODIYAPARA HOUSE
AIYKKARANADU SOUTH, KUNNATHUNADU, ERNAKULAM.**

**BY ADVS.SRI.S.NIDHEESH
SRI.RAINGE KODUVATH**

RESPONDENT(S) :

- 1. THE DIRECTOR,
SURVEY AND LAND RECORDS,
ERNAKULAM – 682 011.**
- 2. THE DEPUTY DIRECTOR OF SURVEY AND LAND RECORDS,
IDUKKI - 685 603.**
- 3. THE DISTRICT COLLECTOR,
IDUKKI - 685 603.**

R1 TO R3 BY SPL. GOVT. PLEADER SMT. SUSHEELA R. BHATT

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 16479 of 2014 (H)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE RECEIPT DATED 23/11/2007 FROM VILLAGE
OFFICE, PALLIVASAL.
- EXHIBIT P2 TRUE COPY OF THE RECEIPT FOR WELFARE FUND FEE ISSUED
FROM THE KERALA EMPLOYEES WELFARE FUND BOARD, THRISSUR.
- EXHIBIT P3 TRUE COPY OF THE RECEIPT DATED 22/6/2010.
- EXHIBIT P4 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 23/11/2007
ISSUED BY VILLAGE OFFICER, PALLIVASAL.
- EXHIBIT P5 TRUE COPY OF THE RECEIPTS OF REMITTANCE DATED 5/11/2013.
- EXHIBIT P6 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 28/5/2014.
- EXHIBIT P7 TRUE COPY OF THE ORDER FROM THE SURVEY DEPUTY DIRECTOR
DATED 3/7/2013.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No. 16479 of 2014

Dated this the 18th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the cancellation of Re-survey proceedings made at Ext.P7, on facts, as also on the ground that the petitioner was not heard or issued with notice before such proceedings were taken.

2. The learned Special Government Pleader (Revenue) on the basis of the statement would assert that there is a dispute with respect to the title of the property and a vigilance case is pending; registered insofar as some Government lands having been mutated in the name of private individuals. In any event, since the challenge against Ext.P7 is on the ground of violation of principles of natural justice, it is only appropriate that proceedings are taken afresh with proper notice to the affected parties.

Ext.P7 would stand set aside without any comment as to the merits of the case.

Writ petition is allowed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge