

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 16984 of 2015 (W)

PETITIONER(S):

**SHERLY BIJITHKUMAR, AGED 41 YEARS,
W/O.BIJITH KUMAR, THAIPARAMBIL, ALAPPUZHA NORTH P.O.,
ARATTUVAZHY WARD, KANJIRAMCHIRA MURI,
ARYAD SOUTH VILLAGE, AMABALAPUZHA TALUK, ALAPPUZHA.**

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE ADDITIONAL TAHSILDAR,
AMBALAPPUZHA TALUK, TALUK OFFICE, ALAPPUZHA-688 001.**
- 3. THE TALUK SURVEYOR,
AMBALAPPUZHA TALUK, ALAPPUZHA-688 001.**
- 4. ALIKUTTY ABRAHAM, AGED 60 YEARS,
KAPPAMOODUPARAMBIL HOUSE, ALAPPUZHA WEST VILLAGE,
ALAPPUZHA-688 001.**

R1-3 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 16984 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. TRUE COPY OF THE BASIC TAX RECEIPT NO.2659277 DATED 7/4/2014.**
- P2. TRUE COPY OF THE APPLICATION DATED 1/10/2014.**
- P3. TRUE COPY OF THE NOTICE DATED 16/10/2014.**
- P4. TRUE COPY OF THE LETTER DATED 28/3/2015 OF 2ND RESPONDENT TO THE
CI OF POLICE.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 16984 of 2015

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Dated this the 12th day of November, 2015

J U D G M E N T

The petitioner approached this Court for following reliefs.

i) to issue writ in the nature of mandamus or any other appropriate writ order or direction, commanding the 3rd respondent to effect measurement of property covered by Ext.P1 and fix the boundaries of the same as per Ext.P2 application;

ii) to grant such other order or direction as this Hon'ble Court may deem fit and proper to grant in the nature and course of the proceedings.

2. It appears that the petitioner has been served with Ext.P3 notice. Nothing transpired thereafter. Accordingly, the petitioner approached this Court.

3. The learned Government Pleader on instructions submits that there is a civil dispute between the petitioner and the party respondent and therefore they could not consider the application.

4. This Court is of the view without prejudice to the writ petitioner and the party respondent to challenge dispute regarding the boundary before the civil court, the official respondent shall complete the exercise of demarcation of property within a period of two months from the date of receipt of the copy of this judgment. If police assistance is required, necessarily the official respondent shall obtain assistance of police force.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE