

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 19270 of 2015 (G)

WRIT PETITIONER :

DILEEP SUDHAKARA PANICKER,
S/O.P.K.SUDHAKARA PANICKER,AGED 44 YEARS,
SANTHINIKETHAN, ANGADICKAL SOUTH, KODUMON.P.O.,
PATHANAMTHITTA DISTRICT. NOW RESIDING AT P.R.A C 93
PALAVILAYIL, THUNDATHIL.P.O, KARYAVATTOM,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.ARUN.B.VARGHESE
SRI.JAYKAR.K.S.
SMT.M.B.DHANYA BABU

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
DISTRICT COLLECTORATE, PATHANAMTHITTA-689 645.
2. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE RDO, ADOOR,
PATHANAMTHITTA DISTRICT-689 645.
3. THE ADDITIONAL TAHASILDAR,
TALUK OFFICE, ADOOR, PATHANAMTHITTA DISTRICT-689 645.
4. THE VILLAGE OFFICER,
VILLAGE OFFICE, ANGADICKAL,
PATHANAMTHITTA DISTRICT-689 121.
5. D.NALINAKSHAN,
S/O JANAKI,AGED 70 YEARS, USHAS,
ANGADICKAL SOUTH.P.O., KODUMON,
PATHANAMTHITTA DISTRICT-691 555.

R1 TO R4 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R5 BY ADVS. SRI.M.D.SASIKUMARAN
SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

WP(C).No. 19270 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 TRUE COPY OF THE GIFT DEED DATED 4/10/1990 EXECUTED BY THE BROTHER OF THE WRIT PETITIONER'S FATHER IN FAVOUR OF THE WRIT PETITIONER
- P2 TRUE COPY OF THE TAX RECEIPT DATED 14/11/1996 ISSUED IN FAVOUR OF THE WRIT PETITIONER
- P3 TRUE COPY OF THE TAX RECEIPT DATED 19/5/1997 ISSUED IN FAVOUR OF THE WRIT PETITIONER
- P4 TRUE COPY OF THE REPRESENTATION DATED 4/5/15 SUBMITTED BEFORE THE 3RD RESPONDENT
- P5 TRUE COPY OF THE ORDER NO.D6-242/15 DATED 5/6/15 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A. MUHAMED MUSTAQUE, J

W.P.(C).No. 19270 of 2015

Dated this the 30th day of October, 2015

JUDGMENT

The petitioner claims to be the owner and possession of land and property comprised in Survey Nos.432/2/1180 and 432/2/1181 of Angadikal Village. The petitioner refers his title as per Ext.P1.

2. The petitioner approached 3rd respondent-The Additional Tahsildar, by Ext.P4 under Section 10 of the Kerala Survey and Boundaries Act, 1961, to determine the boundary and correct the mistakes in the re-survey.

3. It is submitted by the learned Government Pleader that the demarcation could not take place on account of obstructions caused by the neighbouring owners.

4. This Court is of the view that the 3rd respondent shall take necessary steps to demarcate the property and

take steps to find out whether the mistake has occurred in the re-survey with the assistance of Taluk Surveyor. The 3rd respondent is also free to obtain the assistance of police of competent jurisdiction. If such request is made by the 3rd respondent, necessarily, the Station House Officer of competent jurisdiction shall render necessary police assistance to the 3rd respondent. Needful shall be done within a period of three months, after hearing the petitioner as well as party respondents.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

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