

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 19643 of 2015 (E)

PETITIONER(S):

1. K.S.UNNI, AGED 50 YEARS,
S/O.SANKARAN ACHARY, KUZHIPARAMBIL HOUSE,
KUMILY VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.
2. V.P.MANI, S/O.PONNAPPAN NADAR,
GEETHA HAOUS, KUMILY VILLAGE, PEERUMEDU TLAUK,
IDUKKI DISTRICT.
3. R.SUBBARAJ, S/O.RAKKAN, SURESH BHAVAN,
ROSAPOOKANDAM, KUMILY VILLAGE, PEERUMEDU TALUK,
IDUKKI DISTRICT.
4. BHASKARAN NAIR,
S/O.SIVARAMAN PILLAI, KADAPRAYIL HOUSE, KUMILY VILLAGE,
PEERUMEDU TALUK, IDUKKI DISTRICT.
5. BIJOY K.JACOB, S/O.JOSEPH CHACKO,
KURISINKAL HOUSE, KUMILY VILLAGE, PEERUMEDU TALUK,
IDUKKI DISTRICT.
6. K.AYYAPPAN, S/O.KARUPPAN, BALAJI LAUNDRY, KIZHAKKUMEDU,
KUMILY VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.
7. CHERIYAN THOMAS, S/O.K.T.THOMAS,
PUTHENPARAMBIL HOUSE, KIZHAKKUMEDU, KUMILY VILLAGE,
PEERUMEDU TALUK, IDUKKI DISTRICT.
8. ANU JACOB, D/O.DEVASSY ANTONY
POOVATHINKAL HOUSE, VELLARAMKUNNU, KUMILY VILLAGE
PEERUMEDU TALUK, IDUKKI DISTRICT.
9. MAARIYAMMA, W/O.KARUPPAYYA,
KANDATHIL HOUSE, KUMILY VILLAGE, PEERUMEDU TALUK
IDUKKI DISTRICT.
10. T.S.ABDUL LATHEEF, S/O.SAYED MUHAMMED
THAIPARAMBIL HOUSE, KUMILY VILLAGE, PEERUMEDU TALUK
IDUKKI DISTRICT.

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11. S.SOMASEKHARAN NAIR, S/O.SIVARAMAN PILLAI,
THEKKENKATTIL PUTHENVEEDU, KUMILY VILLAGE,
PEERUMEDU TALUK, IDUKKI DISTRICT.
12. LIJU VARGHESE, S/O.V.C.VARGHESE,
VETTATHETH HOUSE, KUMILY VILLAGE, PEERUMEDU TALUK,
IDUKKI DISTRICT.
13. PONNAMMA PRASANNAN, W/O.PRASANNAN,
KARUVELIL HOUSE, ROSAPOOKANDAM, KUMILY VILLAGE,
PEERUMEDU TALUK, IDUKKI DISTRICT.
14. SINU M.SALIM, S/O.MOHAMMED SALIM,
ROSEDALE, KUMILY VILLAGE, PEERUMEDU TALUK,
IDUKKI DISTRICT.
15. MOHAMMED ISMAIL, S/O.MUTHALEEF RAWTHER,
THALIPARAMBIL HOUSE, KUMILY VILLAGE, PEERUMEDU TALUK,
IDUKKI DISTRICT.
16. KABEER A.,
S/O.ABDUL KHADER, DARULSSAM, ROSAPOOKANDAM,
KUMILY VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.
17. SEBASTIAN, S/O.K.D.XAVIER, KALARIKKAL HOUSE,
KUMILY VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.
18. SYAMALA VIJAYAN, D/O.K.K.NANI,
KARUVELIL HOUSE, ROSAPOOKANDAM, KUMILY VILLAGE,
PEERUMEDU TALUK, IDUKKI DISTRICT.

BY ADVS.SRI.T.KRISHNANUNNI (SR.)
SRI.VINOD RAVINDRANATH
SMT.MEENA.A.
SRI.SAJU.S.A
SRI.K.C.KIRAN
SRI.M.DEVESH

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE REVENUE DIVISIONAL OFFICER,
CIVIL STATION, KOYILMALA, IDUKKI,
PIN - 685 602.

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**3. THE ADDITIONAL TAHSILDAR,
PEERUMEDU, IDUKKI DISTRICT, PIN - 685 531.**

**4. THE VILLAGE OFFICER,
KUMILY , IDUKKI DISTRICT, PIN 685 509.**

BY SPECIAL GOVERNMENT PLEADER SMT.SUSHEELA BHAT

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-10-2015, ALONG WITH WPC. 19390/2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

P1-PHOTOGRAPH SHOWING THE LOCATION OF THE PLOTS OF HTE PETITIONERS.

P1(A)- PHOTOGRAPH SHOWING THE LOCATION OF THE PLOTS OF THE PETITIONERS.

P2- THE TRUE COPY OF THE FORUM B NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER DATED 18.2.2013.

P2(A)- THE TRUE COPY OF THE FORUM B NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 4TH PETITIONER DATED 18.2.2013.

P2(B)- THE TRUE COPY OF THE FORUM B NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 8TH PETITIONER DATED 18.2.2013.

P2(C)- THE TRUE COPY OF THE FORUM B NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 14TH PETITIONER DATED 18.2.2013.

P2(D)- THE TRUE COPY OF THE FORUM B NOTICE ISSUED BY THE 3RD RESPONDENT TO THE 15TH PETITIONER DATED 18.2.2013.

P3-THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH PETITIONER BEFORE 3RD RESPONDENT DATED NIL.

P3(A)- THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 14TH PETITIONER BEFORE 3RD RESPONDENT DATED 28.11.2012

P3(B)- THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 15TH PETITIONER BEFORE 3RD RESPONDENT DATED 11.04.2013

P4- THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 1ST PETITIONER DATED 6.6.2015

P4(A)- THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 2ND PETITIONER DATED 6.6.15

P4(B)- THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 3RD PETITIONER DATED 6.6.15

P4(C)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 4TH PETITIONER DATED 6.6.15

P4(D)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 5TH PETITIONER DATED 6.6.15

P4(E)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 6TH PETITIONER DATED 6.6.15

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**P4(F)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 7TH PETITIONER
DATED 6.6.15**

**P4(G)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 8TH PETITIONER
DATED 6.6.15**

**P4(H)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 9TH PETITIONER
DATED 6.6.15**

**P4(I)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 10TH PETITIONER
DATED 6.6.15**

**P4(J)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 11TH PETITIONER
DATED 6.6.15**

**P4(K)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 12TH PETITIONER
DATED 6.6.15**

**P4(L)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 13TH PETITIONER
DATED 6.6.15**

**P4(M)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 14TH PETITIONER
DATED 6.6.15**

**P4(N)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 15TH PETITIONER
DATED 6.6.15**

**P4(O)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 16TH PETITIONER
DATED 6.6.15**

**P4(P)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 17TH PETITIONER
DATED 6.6.15**

**P4(Q)-THE TRUE COPY OF THE FORM C NOTICE ISSUED TO THE 18TH PETITIONER
DATED 6.6.15**

**P5- TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
1ST PETITIONER DATED 28.6.2015**

**P5(A)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
2ND PETITIONER DATED 28.6.2015**

**P5(B)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
3RD PETITIONER DATED 28.6.2015**

**P5(C)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
4TH PETITIONER DATED 28.6.2015**

**P5(D)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
5TH PETITIONER DATED 28.6.2015**

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P5(E)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
6TH PETITIONER DATED 28.6.2015

P5(F)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
7TH PETITIONER DATED 28.6.2015

P5(G)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
8TH PETITIONER DATED 28.6.2015

P5(H)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
9TH PETITIONER DATED 28.6.2015

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12TH PETITIONER DATED 28.6.2015

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13TH PETITIONER DATED 28.6.2015

P5(M)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
14TH PETITIONER DATED 28.6.2015

P5(N)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
15TH PETITIONER DATED 28.6.2015

P5(O)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
16TH PETITIONER DATED 28.6.2015

P5(P)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
17TH PETITIONER DATED 28.6.2015

P5(Q)-TRUE COPY OF THE MEMORUNDUM OF APPEAL SUBMITTED BY THE
18TH PETITIONER DATED 28.6.2015

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P(C) Nos. 19643 & 19390 of 2015

Dated this the 29th day of October, 2015

J U D G M E N T

These writ petitions are filed aggrieved by the notices issued under the Land Conservancy Act alleging that the petitioners have encroached upon Government puramboke.

2. In W.P(C) No.19390 of 2015, it is stated that after hearing the petitioners and verifying the records, it is found that petitioners encroached upon the Government land referred to in Ext.P15. In W.P (C) No.19643 of 2015, series of notices are issued, produced as Ext.P4, stating that petitioners have encroached upon the land referred therein.

3. Petitioners' case in all these writ petitions is that they are armed with title to the land in question. There is no identification of the petitioners' land as well as the Government land. Petitioners in WP(C) No.19390 of 2015 submitted that they are in possession of the

landed property with building in Sy.No.26/3A in Periyar Village in Peerumedu Taluk by virtue of Ext.P4 purchase certificate produced. Petitioners in W.P(C) No.19643 of 2015 would submit that they are also in possession based on the purchase certificate issued by the Land Tribunal.

4. The learned Government Pleader submits that notices are issued under the Land Conservancy Act, pursuant to the direction in the judgment of the Division Bench of this Court in W.A.No.2960 of 2011.

5. Therefore, the essential question arising in this writ petition is to identify of the property involved in the proceedings relating to the Land Conservancy Act. The petitioners' objections cannot be overlooked while issuing such notices. Thus, the following directions are issued.

The additional Tahsildar of competent jurisdiction, Peerumedu shall determine the lands belonging to the petitioners with

reference to the title deeds. Petitioners shall appear before the additional Tahsildar, Peerumedu with all relevant documents on **23.11.2015 at 11 a.m.** Thereafter, the Tahsildar shall demarcate the extent of the property belonging to the petitioners based on the title deed and issue sketch to the petitioners. Proceedings shall be completed within a period of three months from the date of receipt of a copy of this judgment, after notice to the petitioners. Necessarily, the Tahsildar shall conduct surveys to identify the property. Petitioners are free to make available all records before the Tahsildar. It is only after identifying the property, if the Tahsildar finds that there is encroachment, further proceedings can be initiated under the Land Conservancy Act.

These writ petitions are disposed of as above.

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).Nos.19390 & 19643 of 2015

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