

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 22381 of 2013 (W)

PETITIONER:

**SASIDHARAN,
AGED 56 YEARS, S/O.SREEDHARAN,
KULAPATTATHIL PUTHEN VEEDU,
KEEZHATTINGAL DESOM,
KEEZHATTINGAL VILLAGE, ATTINGAL,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.P.HARIDAS
SMT.S.SIKKY**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM - 695 001.**
- 2. THAHASILDAR, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 101.**
- 3. VILLAGE OFFICER,
ATTINGAL VILLAGE OFFICE, ATTINGAL,
THIRUVANANTHAPURAM, PIN - 695 101.**
- 4. VINID, S/O.RAJAN, AGED 27 YEARS,
RESIDING AT SIMI NIVAS, KUTTIYAZHIKOM,
CHIRAYINKEEZHU DESOM, SARKARA VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL
R4 BY ADVS. SRI.R.S.KALKURA
SRI.M.S.KALESH
SMT.A.V.PRIYA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P: TRUE COPY OF THE SALE DEED NO.1939/2003 DATED 09.07.2003 OF
ATTINGAL SRO.

EXHIBIT P2: TRUE COPY OF THE TAX RECEIPT IN THE NAME OF PETITIONER
DATED 03.09.2012.

EXHIBIT P3: TRUE COPY OF THE SURVEY PLAN IN OS NO.274/2003 BEFORE
MUNSIFF COURT, ATTINGAL.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN OS NO.274/2003 OF MUNSIFF
COURT, ATTINGAL DATED 29.07.2009.

EXHIBIT P5: TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT
DATED 17.10.2012.

EXHIBIT P6: TRUE COPY OF THE CHALLAN FOR FEES REMITTED ISSUED BY THE
2ND RESPONDENT DATED 22.10.2012.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22381 of 2013

Dated this the 15th day of January, 2015

J U D G M E N T

The grievance of the petitioner is that an application for fixation of boundary submitted by the petitioner under the Kerala Survey and Boundaries Act is now pending before the 2nd respondent.

2. According to the petitioner, he has 1.5 cents of property as per Ext.P1 sale deed of 2003, where he is conducting a petty shop. According to him, this was a portion of 12 cents of property. The rest of the property was purchased by the 4th respondent. According to the petitioner, the 4th respondent, who is the owner of the property on the southern side of the petitioner's property, filed a suit against the petitioner alleging trespass into his property; and the suit was decreed restraining the petitioner from trespassing into the property of the 4th respondent. According to the petitioner, there is no dispute regarding the title of the petitioner over the said 1.5 cents of property. The petitioner alleges that he has filed an application before the 2nd

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respondent to survey and put marks on the boundaries of his property.

As the limited prayer in this writ petition is for putting up boundary marks on the boundary, this writ petition is disposed of directing respondents 2 and 3 to consider the application of the petitioner to conduct survey and put mark on the boundaries. The petitioner as well as the 4th respondent shall be given an opportunity of being heard. It is hereby made clear that the boundary marks, if any, put up by the respondents shall be subject to the final decision of the suit, if any, pending between the parties.

The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment. To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment along with a copy of the writ petition before respondents 2 and 3 at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-