

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937**

**WP(C).No. 20362 of 2015 (U)**  
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**PETITIONER(S):**  
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**LEELAVATHY, W/O. VELAYUDHAN,  
AGED 54 YEARS, RESIDING AT THAMARACHIRA VEEDU,  
PALLANCHATHANNUR P.O., PALAKKAD DISTRICT.**

**BY ADVS.SRI.T.C.SURESH MENON,  
SRI.P.S.APPU.**

**RESPONDENT(S):**  
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- 1. THE ADDITIONAL TAHSILDAR,  
TALUK OFFICE, ALATHUR,  
PALAKKAD-678 541.**
- 2. TALUK SURVEYOR, TALUK OFFICE,  
ALATHUR, PALAKKAD -678 541.**
- 3. THE DISTRICT COLLECTOR,  
COLLECTORATE, PALAKKAD- 678 001.**
- 4. THE VILLAGE OFFICER,  
MATHUR II VILLAGE, MATHUR,  
PALAKKAD- 678 571.**
- 5. THE EXECUTIVE ENGINEER,  
PUBLIC WORKS DEPARTMENT (ROADS),  
ALATHUR, PALAKKAD- 678 541.**

**R1 TO R5 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- |        |                                                                                                        |
|--------|--------------------------------------------------------------------------------------------------------|
| EXT.P1 | TRUE COPY OF THE PURCHASE CERTIFICATE ISSUED BY<br>THE LAND TRIBUNAL ,THRISSUR DATED 03-06-1983.       |
| EXT.P2 | TRUE COPY OF THE COMMUNICATION MADE AVAILABLE<br>UNDER THE RIGHT TO INFORMATION ACT, DATED 06-01-2014. |
| EXT.P3 | TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT<br>DATED 25-02-2015.                               |
| EXT.P4 | TRUE COPY OF THE ORDER PASSED BY THE 5TH RESPONDENT<br>DATED 23-06-2015.                               |

**RESPONDENT'S EXHIBITS:-**           NIL.

**//TRUE COPY//**

**PA. TO JUDGE**

**rs.**

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 20362 of 2015

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Dated this the 7<sup>th</sup> day of September, 2015

J U D G M E N T

The petitioner challenging Ext.P4 order issued by the 5<sup>th</sup> respondent under the Land Conservancy Act has approached this Court.

2. According to the petitioner, the property in his possession is covered by Ext.P1 purchase certificate. Ext.P3 is the proceedings of the Tahsildar. It is seen from Ext.P3, on inspection, it is found that this land is PWD road Puramboke.

3. This Court is of the view that essentially this matter is to be decided with respect to Ext.P1 purchase certificate. When the purchase certificate is issued, necessarily there would be a sketch and plan. Therefore the Tahsildar shall identify the property covered in Ext.P1 and take a decision. This shall be done within a period of two months from the date of receipt of the copy of this judgment. Based on the decision of the Tahsildar, if it is found that the petitioner has encroached upon

any land, the 5<sup>th</sup> respondent may take an action. Needless to say that no further action can be only after the determination of the land by Tahsildar.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE