

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 20660 of 2015 (F)

PETITIONER:

**ANTONY C.J, S/O. JOSEPH,
CHERUKATTOOR HOUSE,
KARUVAKULAM KARA,
VANDANMEDU VILLAGE,
IDUKKI DISTRICT.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
IDUKKI - 685501.**
- 2. THE TAHSILDAR,
UDUMBANCHOLA - 685554.**
- 3. THE VILLAGE OFFICER,
VANDANMEDU - 685551.**

BY SPECIAL GOVT PLEADER(REVENUE) SMT.SUSHEELA R.BHAT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 20660 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: A TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF THE
 AMOUNT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20660 of 2015

Dated this the 2nd day of September, 2015

JUDGMENT

The petitioner claims that he has a right to cultivate in respect of the property referred in Ext.P1 and therefore, the Revenue Officials cannot interfere with his possessory right in respect of the property. It is further submitted that the right would expire only on 31.3.2016.

2. In this matter, statement has been filed on behalf of the second respondent. In the statement, it is stated that the petitioner is only having a right to take the usufructs and has no possessory right over the land. It is further stated that the Government has decided to dispose that land to the landless people in Zero Landless Programme and the Taluk Surveyor ordered to survey the land for preparing a sketch. It is further submitted that no obstruction is caused to the land referred in Ext.P1.

3. Though the petitioner sought certain right based on possession, nothing is seen produced to substantiate that the petitioner has a possessory right of the land. However, as seen

from the statement itself the petitioner is having a right to take usufructs. Therefore, the respondents cannot interfere with any right of the petitioner to take usufructs till the expiry of the period. If the respondents are undertaking the survey of the land to prepare a sketch, necessarily, they shall ensure no right of the petitioner to take usufructs is obstructed or denied. They shall ensure that the surveying and preparing sketch would not result in interfering with the right of the petitioner taking usufructs.

With the above directions, this writ petition is disposed of. The question relating to the petitioner's claim for loss suffered on account of the interference by the respondents is left open as there is no relief for compensation.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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