

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. 20688 of 2015 (I)

PETITIONER(S):

1. SAFARULLA KHAN, S/O.SULTAN KANNU,
TC.49/47, CHANDAVILAKOM VEEDU,
AYIRANIMUTTOM VILLAGE, THIRUVANANTHAPURAM.
2. ANSAR, S/O.SAMULLABBA,
PULIMOOTTUVILAKOM PUTHEN BUNGALOW,
KARAMANA, THIRUVANANTHAPURAM.

**BY ADVS.SRI.V.G.ARUN
SRI.ANOOP BHASKAR**

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, THIRUVANANTHAPURAM-695001.
2. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM - 695 001.
3. REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM - 695 001.
4. TAHASILDAR, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM - 695 001.
5. TALUK SURVEYOR, TALUK OFFICE,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM -695 001.
6. ABIDA BEEVI, EKM HOUSE, ANADMURI,
THENNOOR VILLAGE, NEDUMANGADU TALUK - 695 006.
7. SHEMI SAMAD, D/O.ABIDA BEEVI, EKM HOUSE, ANADMURI,
THENNOOR VILLAGE, NEDUMANGADU TALUK - 695 006.

**R1 TO R5 BY GOVT. PLEADER SRI.BIJU MEENATTOOR
R6 & R7 BY ADVS. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.VIVEK V. KANNANKERI
SRI.VISHNU BHUVANENDRAN
SRI.P.K.JAYAKRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:: TRUE COPY OF PARTITION NO.667/2007 DATED 17.03.2007 REGISTERED AT VENGANNOOR SUB REGISTRY.
- P2: TRUE COPY OF TAX RECEIPT DATED 05.05.2015 NUMBERED 0788049 ISSUED TO THE 1ST PETITIONER FROM VILLAGE OFFICE, VIZHINJAM.
- P3: TRUE COPY OF THE TAX RECEIPT DATED 05.05.2015 NUMBERED 0788057 ISSUED TO THE 2ND PETITIONER FROM VILLAGE OFFICE, VIZHINJAM.
- P4: TRUE COPY OF THE PLAINT IN OS.NO.113/2009 ON THE FILE OF THE PRINCIPAL MUNISFF COURT, NEYYATTINKARA.
- P5: TRUE COPY OF WRITTEN STATEMENT FILED BY THE PETITIONERS IN OS.NO.113/2009 ON THE FILE OF THE PRINCIPAL MUNISIF COURT, NEYYATTINKARA.
- P6: TRUE COPY OF THE NOTICE NUMBERED G1/31565/12 DATED 29.03.2014 ISSUED BY THE 4TH RESPONDENT.
- P7: TRUE COPY OF COMMISSION APPLICATION FILED BY THE 7TH RESPONDENT IN OS.NO.113/2009 ON THE FILE OF THE PRINCIPAL MUNISFF COURT, NEYYATTINKARA DATED 10.06.2015.
- P8: TRUE COPY OF THE NOTICE NUMBERED 31565/12 DATED 19.06.2015 ISSUED BY THE 5TH RESPONDENT.
- P9: TRUE COPY OF THE COMPLAINT DATED 23.06.2015 FILED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.
- P10: TRUE COPY OF THE NOTICE NUMBEREDG1- 31565/12 DATED 26.06.2015 ISSUED BY THE 5TH RESPONDENT.
- P11: TRUE COPY OF ORIGINAL CAVEAT PETITION FILED BY THE 7TH RESPONDENT BEFORE THE MUNISIFF COURT, NEYYATTINKARA DATED 25.06.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 20688 of 2015

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Dated this the 29th day of October, 2015

J U D G M E N T

The petitioners aggrieved by Exts. P8 and P10 notice have approached this Court.

2. It appears that the respondents 6 and 7 have approached the revenue officials to cancel the transfer of registry effected in favour of the petitioners. The Taluk Surveyor appears to have made an enquiry regarding whether the transfer of registry was effected wrongly. The petitioner submits that Ext.P4 civil suit is pending between the petitioners and the party respondents.

3. In fact Exts.P8 and P10 are only notice. The petitioners shall raise their objection before the Taluk Surveyor. The Taluk Surveyor shall take into account of objection as well as the pending civil suit while taking steps in the matter. It is made clear that the Taluk Surveyor shall take steps only after adverting to the objection of the petitioner in the matter and hearing the petitioner.

4. The Taluk Surveyor shall forward necessary report to the

Tahsildar. It is for the Tahsildar to take a decision, the Taluk Surveyor shall only identify the property. Appropriate decision shall be taken in this matter by the 4th respondent after hearing the petitioners as well as the party respondents and adverting to the report of the Taluk Surveyor.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE