

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 28336 of 2007 (W)

PETITIONER(S):

1. VELAYUDHANKUTTY B., S/O.VELAYUDHAN NAIR,
BANGLAVU PARAMBIL, VELIPPARAM AMSOM, KARINGALLAI DESOM,
FEROKE COLLEGE P.O., KOZHIKODE.
2. HIND BEEVI, KYTHAVALAPPIL,
PAZHANCHANNOOR DESOM, CHALIYAM P.O.,
KOZHIKODE - 673 301, REPRESENTED BY HER
POWER OF ATTORNEY HOLDER SRI.K.V.MOIDEEN KOYA, 'ABAK'
PAZHANJANNUR DESOM, CHALIYAM P.O., KOZHIKODE DIST.
PIN-673301.

BY ADV. SRI. P.M. POULOSE

RESPONDENT(S):

1. THE ADDITIONAL TAHSILDAR,
ERNAD TALUK, MANJERI, MALAPPURAM.
2. THE ADDITIONAL TALUK SURVEYOR,
ERNAD TALUK, MANJERI, MALAPPURAM.

BY GOVERNMENT PLEADER SRI. P.V. ELIAS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANIL K. NARENDRA, J.

W.P.(C) No.28336 of 2007

Dated this the 10th day of July, 2015

JUDGMENT

The petitioners have filed this writ petition seeking a writ of mandamus commanding the respondents to fix up boundaries of their property covered by Exts.P1 and P2 in accordance with the provisions under Kerala Survey and Boundaries Rules, 1964, based on Exts.P11 and P12 applications dated 01.03.2004.

2. A counter affidavit has been filed by the 1st respondent as early as on 26.02.2008 in which it has been stated that on receipt of Exts.P11 and P12 the same was forwarded to the Taluk Surveyor to take follow up actions. But the Taluk Surveyor has reported that there was no boundaries or hedges to the property. Moreover, the land applied for mutation has already been mutated in the name of some others as per Re-Survey Adalath File No.B3-29/96 dated 19.05.1997 of the Re-Survey Superintendent, Manjeri. The petitioners have submitted application for cancellation of the said order and the aforesaid application submitted by the petitioners have already been rejected by Ext.R1(a) proceedings dated 30.06.2007 of the Deputy Director of Survey, Malappuram.

In such circumstances, the prayer sought for in this writ petition has become infructuous and the same is dismissed as infructuous without prejudice to the right, if any, of the petitioners to challenge Ext.R1(a) order dated 30.06.2007 of the Deputy Director of Survey, Malappuram.

JV

sd/-
ANIL K. NARENDRA,
JUDGE