

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 23092 of 2015 (J)

PETITIONER :

**KUTTAN PILLAI
AGED 65 YEARS, S/O.KRISHNA PILLAI
KUNDANTHARA (THEKKEKKARA)
VAGAMON, IDUKKI DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN**

RESPONDENT(S) :

**1. THE LAND REVENUE COMMISSIONER
THIRUVANANTHAPURAM, PIN - 695 001.**

**2. THE DISTRICT COLLECTOR
IDUKKI DISTRICT, PIN - 685 603.**

**3. THE TAHSILDAR
PEERUMEDU, IDUKKI - 685 531.**

R1 TO R3 BY SPL. GOVT. PLEADER SMT.SUSHEELA R. BHATT

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-12-2015,
ALONG WITH WP(C).NO. 28346/2015 & CONNECTED CASES, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 23092 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. COPY OF THE PATTA ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT.**
- EXHIBIT P2. COPY OF THE COMMUNICATION DATED 25.8.11 ISSUED BY 3RD RESPONDENT.**
- EXHIBIT P3. COPY OF THE TAX RECEIPT DATED 17.2.12 ISSUED FROM THE VAGAMON VILLAGE OFFICER.**
- EXHIBIT P4. COPY OF THE LETTER DATED 15.7.13 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT.**
- EXHIBIT P5. COPY OF THE COMPLAINT DATED 5.8.14.**
- EXHIBIT P6. COPY OF THE RECEIPT DATED 31.1.15 ISSUED BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J.

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W.P.(C). Nos.23092, 28346,
30015 & 30738 of 2015

Dated this the 17th day of December, 2015

JUDGMENT

These petitioners are claiming title based on respective Patta. They approached this Court seeking a direction to be given to the respondents to correct the survey number mistakenly assigned to their respective properties. It appears that the petitioners are in possession of the property not mentioned in the survey number in the Patta.

2. This Court is of the view that, Tahsildar concerned has to identify the property covered by the Patta and find out whether there is any mistake in the survey number. If there is any mistake, the Patta has to be corrected. However, if there is no mistake, petitioners can occupy the land referred to in the Patta and not any other land. The Tahsildar/3rd respondent has to identify the property with reference to the L.A records and mahazar in the presence of a surveyor. Before identifying and demarcating the properties, necessary notice shall be given to the petitioners. Needful shall be done within three months.

Status quo shall continue, till a decision is taken by the Tahsildar/3rd respondent as above.

3. On enquiry if it is found that the petitioners are in occupation of the land not assigned to them as per Patta, respondents are free to evict them in accordance with law.

The writ petition is disposed of.

**A. MUHAMED MUSTAQUE,
JUDGE.**