

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

**PRESENT:**

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

**THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937**

**WP(C).No. 26149 of 2015 (P)**  
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**PETITIONER :**  
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**JOHNSON, AGED 52 YEARS, S/O.K.V.JOSEPH,  
KAINIKUNNEL HOUSE, MUTTOM,  
THUNDAGANADU KARA, IDUKKI - 685 587.**

**BY ADVS.SRI.P.SANJAY  
SMT.A.PARVATHI MENON**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY SECRETARY TO THE GOVERNMENT,  
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN -695 001.**
- 2. THE DISTRICT COLLECTOR,  
COLLECTORATE, IDUKKI, PIN- 685 512.**
- 3. THE TAHSILDAR, TALUK OFFICE,  
THODUPUZHA, IDUKKI, PIN- 685 521.**
- 4. THE VILLAGE OFFICER,  
MUTTOM VILLAGE OFFICE, IDUKKI, PIN -685 587.**
- 5. THE MUTTOM GRAMA PANCHAYATH,  
REP. BY ITS SECRETARY, P.O.MUTTOM, IDUKKI,  
PIN -685 587.**

**R1 TO R4 BY GOVERNMENT PLEADER SMT. C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**WP(C).No. 26149 of 2015 (P)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- P1 - TRUE COPY OF THE JUDGMENT IN W.P. NO.15237/2015 DATED 01.06.2015**
- P2 - TRUE COPY OF THE CAVEAT FILED BY THE 2ND RESPONDENT DATED 27.07.2015**
- P3 - TRUE COPY OF THE COMMISSION REPORT IN OS NO.347/2015 BEFORE THE HON'BLE MUNSIFFS COURT, THODUPUZHA DATED 17.08.2015**
- P4 - TRUE COPY OF IA NO.1600/2015 IN OS NO.347/2015 OF THE MUNSIFFS COURT, THODUPUZHA DATED 10.08.2015**

**RESPONDENT(S)' EXHIBITS**  
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- R3(A)- COPY OF THE BASIC TAX REGISTER AND EXTRACTS OF THANDAPPER ACCOUNTS.**
- R3(B)- COPY OF THE OLD BASIC TAX REGISTER, OLD SETTLEMENT REGISTER**
- R3(C)- COPY OF THE ALLOTMENT SKETCH.**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.26149 of 2015**

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**Dated this the 3<sup>rd</sup> day of September, 2015**

**JUDGMENT**

The petitioner, aggrieved by an eviction from the property which is the subject matter of O.S.No.347/2015 on the file of the Munsiff's Court, Thodupuzha, has approached this Court. According to the petitioner, interim injunction petition is posted on 10.9.2015 and before any decision is being taken, the petitioner shall not be dispossessed.

2. In fact, this Court as per interim order dated 21.8.2015, ordered that the petitioner shall not be dispossessed. In that view of the matter, that order will continue till 22.9.2015 or till the decision is taken by the Munsiff's Court in the interim direction. There shall also be a direction to the Munsiff, Thodupuzha to pass appropriate orders in the injunction petition before the above date.

3. It is submitted by the learned Government Pleader that the property is in actual possession of the Government. I am not expressing the question relating to the possession in view of the

fact that the same is the subject matter of the civil suit. Therefore, the interim order passed by this Court cannot be construed to the effect that the petitioner is in possession of the property and it is for the civil court to decide who is in possession of the property.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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