

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 26403 of 2015 (A)

PETITIONER(S) :

**P.O.VARGHESE, AGED 54 YEARS,
S/O.OUSEPH, PARAPPILLY HOUSE, MATTOOR P.O.,
PIN- 683 574.**

**BY SRI.S.SREEKUMAR (SENIOR ADVOCATE)
ADVS.SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY(LAND REVENUE),
GOVERNMENT, SECRETARIAT, TRIVANDRUM- 695 001.**
- 2. THE SPECIAL DEPUTY COLLECTOR,
LAND ACQUISITION NHDP UNIT -1, TRISSUR- 680 001.**
- 3. THE TAHASILDAR,
ALUVA TALUK, PIN- 683 101.**
- 4. THE TALUK SURVEYOR,
ALUVA TALUK, PIN- 683 101.**
- 5. THE NATIONAL HIGHWAY AUTHORITY OF INDIA,
REPRESENTED BY PROJECT DIRECTOR, NO.8/1187,
ARUMUGHOM COLONY, CHANDRA NAGAR, PALAKKAD- 678 007**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R5 BY ADV. SRI.THOMAS ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 26403 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF DOCUMENT NO.2957/2007 DATED 11-05-2007.

**EXHIBIT P2: TRUE COPY OF APPLICATION DATED 27-05-2015 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT UNDER RIGHT
TO INFORMATION ACT.**

**EXHIBIT P3: TRUE COPY OF INFORMATION DATED 20-06-2015 FURNISHED BY
THE 2ND RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF JOINT INSPECTION SCHEDULE OF
5TH RESPONDENT AND CONCESSIONAIRE ,DURING AUGUST,2012.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26403 of 2015

Dated this the 4th day of November, 2015

JUDGMENT

The petitioner has approached this Court with the following reliefs:-

- i. issue a writ of mandamus or other writ, order or direction compelling respondents 3 and 4 to issue survey plan after Torrance Survey to the petitioner in respect of the land covered under Ext.P1 document within a time limit to be fixed by this Hon'ble Court;
- ii. issue such other writ order or direction as may be necessary in the interest of justice.

It appears that on account of proposal to acquire the petitioner's land, the respondents are refusing to act upon the petitioner's request to issue a survey plan.

This Court is of the view that notwithstanding any proposal, survey plan shall be issued to the petitioner by respondents 3 and 4 as requested after conducting necessary survey within a period of six weeks from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this writ petition along with the judgment before the third respondent for compliance.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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