

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 26808 of 2015 (A)

PETITIONER(S):

**JAMES JOSEPH @ KODIYAN JAMES,
S/O.JOSEPH K.K, KODIYAN HOUSE,
CHENDAMANGALAM, N. PARUR.**

**BY ADVS.SRI.I.DINESH MENON,
SRI.L.RAJESH NARAYAN.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE P.O, ERNAKULAM- 682 030.**
- 3. THE VILLAGE OFFICER,
CHENDAMANGALAM VILLAGE,
CHENDAMANGALAM -683 512.**
- 4. THE TAHSILDAR, TALUK OFFICE, PARAVUR- 683 513.**
- 5. SECRETARY,
CHENDAMANGALAM GRAMA PANCHAYATH,
CHENDAMANGALAM- 683 512.**
- 6. CHENDAMANGALAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
CHENDAMANGALAM- 683 512.**
- 7. SHAJI, S/O.UNNI, PANICKASSERY HOUSE,
KIZHAKKUMPURAM, CHENDAMANGALAM -683 512.**

R1 TO R4 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF THE BASIC TAX RECEIPT DATED 13.06.2014.
- EXHIBIT P2. COPY OF THE NOTICE BEARING NO.A7/4087/15 DATED 25.06.2015.
- EXHIBIT P3. COPY OF THE REPLY RECEIVED FROM THE 4TH RESPONDENT
ALONG WITH DOCUMENTS.
- EXHIBIT P4. COPY OF THE REPLY DATED 10.07.2015.
- EXHIBIT P5. COPY OF THE REPRESENTATION DATED 27.07.2015 FILED
BEFORE THE 3RD RESPONDENT.
- EXHIBIT P6. COPY OF THE REPRESENTATION DATED 27.07.2015 FILED
BEFORE THE 5TH RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26808 of 2015

Dated this the 7th day of September, 2015

JUDGMENT

The petitioner, aggrieved by an action initiated by the Additional Tahsildar to evict him from Survey No.946/14 of Chendamangalam Village, has approached this Court.

2. The petitioner's case is that he has not encroached upon any land.

This Court is of the view that the petitioner shall approach the fourth respondent with an objection. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment. Thereafter, the fourth respondent shall determine the land after measuring the property with the assistance if necessary from the Taluk Surveyor. It is only determination of the boundaries of the land based on the objection, further action can be initiated in this matter. The Tahsildar shall complete the exercise within a period of two months from the date of receipt of a copy of this judgment. Needless to say that the petitioner shall make proper application under the Surveys and Boundaries Act to determine his land.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE