

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 29TH DAY OF MAY 2015 / 8TH JYAISHTA, 1937

WP(C).No. 31187 of 2009 (P)

PETITIONER :

UNNI, AGED 56 YEARS,
S/O.KUNJUMHAMMED, MADATHATTU HOUSE, NEDUVANOOR KARA,
CHENGAMANADU VILLAGE, ALUVA TALUK.

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENTS :

1. STATE OF KERALA, REPRESENTED BY
SECRETARY (LAND & REVENUE), GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE SUPERINTENDENT OF DISTRICT SURVEY AND LAND RECORDS,
COLLECTORATE, ERNAKULAM.

BY SR.GOVERNMENT PLEADER SRI.SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31187 of 2009 (P)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 : COPY OF THE SALE DEED NO.4906/1979
DTD.28.11.1979 OF ANGAMALY S.R.O.
- EXT.P2 : COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT
DTD.12.12.2007.
- EXT.P3 : COPY OF THE RECEIPT OF ACKNOWLEDGMENT
ISSUED BY THE 2nd RESPONDENT DTD.15.12.2007.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.31187 of 2009

Dated this the 29th day of May, 2015

JUDGMENT

The petitioner has filed this Writ Petition seeking a writ of mandamus commanding the second respondent to consider and dispose of Ext.P2 application filed for rectification of certain mistakes occurred in the Re-survey records pertaining to the property covered by Ext.P1 sale deed.

2. A counter affidavit has been filed by the second respondent, in which it has been stated that Ext.P2 application has already been disposed of after surveying the land and that the Surveyor who had inspected the land on 28.3.2008 with notice to the petitioner, has reported that the land in question did not have any specific boundaries. Hence the land cannot be put in a separate sub-division and for that reason mutation cannot be effected.

3. The learned counsel for the petitioner submits that the petitioner is yet to receive a copy of the decision taken on Ext.P2 representation.

4. I heard the arguments of the learned counsel for the petitioner and the learned Senior Government Pleader for the respondents.

5. Taking note of the stand taken by the 2nd respondent in the counter affidavit that Ext.P2 application has already been disposed of by the District Head Surveyor after surveying the land with notice to the petitioner, this Writ Petition is disposed of with the following directions:-

The second respondent shall communicate a copy of the order passed on Ext.P2 application to the petitioner within a period of three weeks from the date of receipt of a copy of this judgment. If the petitioner is aggrieved by the aforesaid order, it is for him to challenge the aforesaid order before the appropriate forum without any delay.

Sd/-

ANIL K.NARENDRAN, JUDGE

skj