

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 27018 of 2015 (B)

PETITIONER(S):

**JOY C.C., AGED 59 YEARS,
S/O.CHACKO, CHIRACKAL HOUSE, MUDAKKUZHA KARA,
MUDAKKUZHA P.O., VENGOOR WEST VILLAGE,
ERNAKULAM DISTRICT, PIN-683 546.**

BY ADV. SRI.T.K.SAJEEV

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD P.O.,
ERNAKULAM DISTRICT, PIN-682 030.**
- 2. THE TAHSILDAR,
KUNNATHUNADU TALUK, TALUK OFFICE, KUNNATHUNADU,
PERUMBAVOOR.P.O., ERNAKULAM DISTRICT, PIN-683 542.**
- 3. THE VILLAGE OFFICER,
VENGOOR WEST VILLAGE, VENGOOR WEST VILLAGE OFFICE,
THURUTHY P.O., ERNAKULAM DISTRICT. PIN-683 545.**

*** ADDL. R4 IMPEADED**

- 4. JAMES, AGED 50 YEARS, S/O.CHACKO,
CHIRACKAL HOUSE, MUDAKKUZHA KARA,
CHUDAKKUZHI P.O., VEGOOR WEST VILLAGE,
ERNAKULAM DISTRICT, PIN - 683 546.**

*** ADDL. R4 IS IMPEADED AS PER ORDER DTD.14.9.2015 IN IA.13010/2015.**

R1-R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

R4 BY ADVS. SRI.G.RAJAGOPAL

SMT.S.LEELALAKSHMI

SMT.N.RENJINEE DEVI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 27018 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- TRUE COPY OF THE WILL DEED NO.III/49 DATED 22.08.1977 OF SRO
PERUMBAVOOR.**

**P2- TRUE COPY OF THE APPLICATION DATED 27.06.2012 SUBMITTED BEFORE THE
SECOND RESPONDENT.**

**P3- TRUE COPY OF THE APPLICATION UNDER RIGHT TO INFORMATION ACT
DATED 07.01.2014.**

P4- TRUE COPY OF THE REPLY LETTER NO.C4-13554/14 DATED 31.01.2014.

P5- TRUE COPY OF THE OBJECTION DATED 11.02.2014 OF EXT.P4 REPLY LETTER.

**P6- TRUE COPY OF THE JUDGMENT DATED 28.02.2012 IN O.S.NO.2 OF 2007 OF
MUNSIFF COURT PERUMBAVOOR.**

**P7- TRUE COPY OF THE JUDGMENT DATED 22.06.2015 IN R.S.A.NO.1261/2014 ON THE
FILE OF THE HIGH COURT OF KERALA.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 27018 of 2015

Dated this the 16th day of November, 2015

JUDGMENT

The petitioner claims that he is in possession and enjoyment of the property comprised in Re-survey Nos.532/12 and 532/3pt. of Block No. 10 of Vengoor west village. The petitioner traces out the title by Ext.P1 Will executed by his father. The party respondent is one of the sibling of the petitioner.

2. The petitioner approached this Court on account of refusal to effect the mutation as per Ext.P4. This was rejected by Tahsildar stating that there is no clear sub division of boundary.

3. This Court is of the view that appropriate decision shall be taken by the Tahsildar, after demarcating the boundary based on the title deed claimed by the

petitioner and also hearing all affected persons including party respondents. Needful shall done within a period of four months from the date of receipt of a copy of this judgment. Based on the demarcation, mutation shall be effected in accordance with law.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

bpr