

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 27121 of 2015 (M)

PETITIONER :

**THE SECRETARY,
UDAYATHINVATHIL-MADAVANA NAIR KARAYOGAM,
REG.NO.1/1954, MADAVANA, PANANGAD.P.O.,
COCHIN-682 506.**

**BY SRI.T.SETHUMADHAVAN,SENIOR ADVOCATE
ADVS. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON
SMT.N.DEEPA**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM.PIN-682 030.**
- 2. THE TAHSILDAR,
KANAYANNUR TALUK, TALUK OFFICE,
KANAYANNUR.PIN-682 011.**
- 3. THE TALUK SURVEYOR,
KANAYANNUR TALUK. PIN-682 011.**
- 4. PRESHELIAN P.G.,S/O.GEORGE,
PAVANA HOUSE, THENALIL TEMPLE ROAD,
MADAVANA, PANANGAD.P.O., KANAYANNUR TALUK,
ERNAKULAM.PIN- 682 506.**

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

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

WP(C).No. 27121 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE NOTICE ISSUED BY THE TALUK SURVEYOR,
KANAYANNUR TALUK.
- P2- TRUE COPY OF THE LETTER RECEIVED FROM RE-SURVEY
SUPERINTENDENT DT. 27.01.2014.
- P3- TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 1ST
RESPONDENT.
- P4- TRUE COPY OF THE COMPLAINT FORWARDED BY THE 1ST RESPONDENT TO
THE TAHSILDAR, KANAYANNUR.
- P5- TRUE COPY OF COMMUNICATION ISSUED BY THE PUBLIC INFORMATION
OFFICER AND ADDITIONAL TAHSILDAR DATED 05.07.2014.
- P6- TRUE COPY OF JUDGMENT DT. 07.04.2015.
- P7- TRUE COPY OF THE PETITION SUBMITTED BEFORE THE ADDL. TAHSILDAR
KANAYANNUR DATED 26.06.2015.
- P8- TRUE COPY OF THE NOTICE ISSUED FROM THE OFFICE OF THE 3RD
RESPONDENT DATED 19/08/2015

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 27121 of 2015

Dated this the 09th day of September, 2015

JUDGMENT

The petitioner filed an application in the year 2010 to conduct survey in respect of the property covered by document No.3017/1975 SRO, Ernakulam and also to fix the boundary. Ext.P1 is the communication issued to the petitioner. Thereafter, it appears that nothing has been materialised as seen from Ext.P5, the file relating to the above application is missing.

2. The petitioner now approached this Court on account of the fact that an action being initiated at the instance of 4th respondent to measure and determine the boundary of his property. The petitioner submits that 4th respondent is an adjacent owner. It is also submitted that without demarcating the petitioner's property, any attempt being made at the instance of 4th respondent may cause loss to the petitioner.

3. This Court is of the view that since the file relating to the petitioner's application is missing, the petitioner shall file a fresh application under the Survey Boundaries Act, 1961.

Needful shall be done within a period of one week from the date of receipt of a copy of this judgment. Thereafter, entire exercise relating to the identification demarcating the boundary of the petitioner as well as 4th respondent shall be completed simultaneously.

4. In view of the above, Ext.P2 proceedings are directed to tag along with the application to be filed by the petitioner for the purpose of completion of survey and demarcating the property of both.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

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