

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

WP(C).No. 27877 of 2015 (H)

PETITIONER(S) :

1. **GANGADHARAN NAIR,
S/O.KRISHNAN NAIR, AGED 72, KOTTANGAPARAMBIL
PERUMBALAM VILLAGE, PERUMBALAM P.O., PIN-688 570
CHERTHALA TALUK, ALAPPUZHA DISTRICT.**
2. **INDIRA DEVI
W/O.GANGDHARAN NAIR, AGED 62, KOTTANGAPARAMBIL
PERUMBALAM VILLAGE, PERUMBALAM P.O., PIN-688 570
CHERTHALA TALUK, ALAPPUZHA DISTRICT.**
3. **ARAVINDAN
S/O.KRISHNAN, AGED 72,
KOOPPILLIL HOUSE, PERUMBALAM VILLAGE
PERUMBALAM P.O., PIN-688 570, CHERTHALA TALUK
ALAPPUZHA DISTRICT.**
4. **RATHNAMMA
W/O.KRISHNAN, AGED 67,
KOOPPILLIL HOUSE, PERUMBALAM VILLAGE
PERUMBALAM P.O., PIN-688 570, CHERTHALA TALUK
ALAPPUZHA DISTRICT.**
5. **PRATHAPACHANDRAN
S/O.NARAYANA PANICKER, AGED 55
SREENILAYAM, PERUMBALAM VILLAGE
PERUMBALAM P.O., PIN-688 570, CHERTHALA TALUK
ALAPPUZHA DISTRICT.**
6. **ARUN KUMAR,
S/O.SADASIVAN NAIR, AGED 37
SREEGOVINDAPURAM, PERUMBALAM VILLAGE
PERUMBALAM P.O., PIN-688 570, CHERTHALA TALUK
ALAPPUZHA DISTRICT**
7. **PRASANAN
S/O.NARAYANA PANICKER, AGED 59
SREENILAYAM, PERUMBALAM VILLAGE
PERUMBALAM P.O., PIN-688 570, CHERTHALA TALUK
ALAPPUZHA DISTRICT.**

8. **SOMANATHAN**
S/O.RAMAKRISHNA PILLAI, AGED 61, KIZHAKKEKURUVELIL
PERUMBALAM VILLAGE, PERUMBALAM P.O., PIN-688 570
CHERTHALA TALUK, ALAPPUZHA DISTRICT.
9. **MANIKUTTAN**
S/O.NARAYANAN, AGED 37
PANDARAPATTATHIL, PERUMBALAM VILLAGE
PERUMBALAM P.O., PIN-688 570, CHERTHALA TALUK
ALAPPUZHA DISTRICT.
10. **SASEENDRANATHA PANCIKER**
S/O.PANKAJAKSHAN NAIR, AGED 59
CHAITHANYA, PERUMBALAM VILLAGE
PERUMBALAM P.O., PIN-688 570, CHERTHALA TALUK
ALAPPUZHA DISTRICT.

BY ADVS.DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SRI.S.SIDHARDHAN
SMT.C.K.LEKHAMMA
SMT.R.UDAYA JYOTHI
SMT.M.SUSEELA
SRI.PRATHAP. S.R.K.
SMT.MARY JOHN

RESPONDENT(S) :

1. **THE STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO GOVT.,
DEPARTMENT OF SURVEY AND LAND RECORDS
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN--695 001.
2. **THE DIRECTOR OF SURVEY AND LAND RECORDS**
THIRUVANANTHAPURAM, PIN-695 001.
3. **THE DISTRICT COLLECTOR**
ALAPPUHA, PIN-688 001.
4. **THE ASSISTANT DIRECTOR OF SURVEY**
CHENGANNUR, PIN-689 121.
5. **THE RE-SURVEY SUPERINTENDENT**
OFFICE OF THE RE-SURVEY SUPERINTENDENT, ALAPPUZHA
PIN-688 001.
6. **THE TAHSILDAR**
CHERTHALA, PIN-688 524.

7. THE TALUK SURVEYOR
CHERTHALA, PIN-688 524.

8. THE VILLAGE OFFICER
PERUMBALAM VILLAGE, CHERTHALA TALUK
ALAPPUZHA DISTRICT, PERUMBALAM P.O.,
PIN – 688 570.

9. THE SUB REGISTRAR
PANAVALLY, PIN-688 526.

R1 TO R9 BY GOVT. PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1. TRUE COPY OF THE TAX RECEIPT DATED 7/5/2012.
- EXT.P1(a). TRUE COPY OF THE TAX RECEIPT DATED 7/5/2012.
- EXT.P1(b). TRUE COPY OF THE TAX RECEIPT DATED 28/8/2012.
- EXT.P1(c). TRUE COPY OF THE TAX RECEIPT DATED 25/8/2012.
- EXT.P1(d). TRUE COPY OF THE TAX RECEIPT DATED 12/7/2012.
- EXT.P1(e). TRUE COPY OF THE TAX RECEIPT DATED 18/4/2012.
- EXT.P1(f). TRUE COPY OF THE TAX RECEIPT DATED 18/12/2012.
- EXT.P1(g). TRUE COPY OF THE TAX RECEIPT DATED 7/5/2012.
- EXT.P1(h). TRUE COPY OF THE TAX RECEIPT DATED 13/6/2012.
- EXT.P1(i). TRUE COPY OF THE TAX RECEIPT DATED 19/5/2012.
- EXT.P2. TRUE COPY OF THE NOTICE PUBLISHED BY THE 4TH RESPONDENT IN JANMABHOOMI DAILY DATED 9/5/2012.
- EXT.P3. TRUE COPY OF THE G.O. DATED 31/10/2012.
- EXT.P4. TRUE COPY OF THE MINUTES OF THE MEETING DATED 16/11/2012.
- EXT.P5. TRUE COPY OF THE NOTICE DATED NIL IN LC.NO. 1002/12 OF THE 4TH RESPONDENT.
- EXT.P5(a). TRUE COPY OF THE NOTICE DATED 18/1/2013 IN LC.NO. 155/12 OF THE 4TH RESPONDENT.
- EXT.P5(b). TRUE COPY OF THE NOTICE DATED 14/1/2013 IN LC.NO. 1241/12 OF THE 4TH RESPONDENT.
- EXT.P5(c). TRUE COPY OF THE NOTICE DATED 5/1/2013 IN LC.NO.445 /12 OF THE 4TH RESPONDENT.
- EXT.P5(d). TRUE COPY OF THE NOTICE DATED 5/1/2013 IN LC.NO. 1207/12 OF THE 4TH RESPONDENT.
- EXT.P5(e). TRUE COPY OF THE NOTICE DATED 3/1/2013 IN LC.NO. 1145/12 OF THE 4TH RESPONDENT.

(Contd...)

- EXT.P5(f). TRUE COPY OF THE NOTICE DATED 28/12/2012 IN LC.NO. 1206/12 OF THE 4TH RESPONDENT.
- EXT.P5(g). TRUE COPY OF THE NOTICE DATED 17/12/2012 IN LC.NO. 172 & 173/12 OF THE 4TH RESPONDENT.
- EXT.P5(h). TRUE COPY OF THE NOTICE DATED 7/12/2012 IN LC.NO.442/12 OF THE 4TH RESPONDENT.
- EXT.P5(i). TRUE COPY OF THE NOTICE DATED 7/12/2012 IN LC.NO. 1174/12 OF THE 4TH RESPONDENT.
- EXT.P5(j). TRUE COPY OF THE NOTICE DATED 7/12/2012 IN LC.NO. 1208/12 OF THE 4TH RESPONDENT.
- EXT.P5(k). TRUE COPY OF THE NOTICE DATED 17/11/2012 IN LC.NO. 177 & 176/12 OF THE 4TH RESPONDENT.
- EXT.P5(l). TRUE COPY OF THE NOTICE DATED 9/11/2012 IN LC.NO. 4/12 OF THE 4TH RESPONDENT.
- EXT.P6. TRUE COPY OF THE 4TH RESPONDENT'S NOTIFICATION REF. NO.D1-1525/2011 DATED 17/10/2014 AND PUBLISHED IN THE GAZETTE DATED 18/11/2014.
- EXT.P7. TRUE COPY OF THE 3RD RESPONDENT'S PROCEEDINGS E3-1834/15 DATED 2/7/2015.
- EXT.P8. TRUE COPY OF THE CERTIFICATE DATED 6/4/2013 ISSUED BY THE PRESIDENT OF THE PERUMBALAM VILLAGE PANCHAYAT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A. MUHAMED MUSTAQUE, J

W.P.(C).No. 27877 of 2015

Dated this the 09th day of October, 2015

JUDGMENT

The petitioners claim to be the owners of the different parcels of land has approached this Court, notification issued under Section 13 of the Kerala Survey and Boundaries Act, 1961.

2. The learned counsel for the petitioners submit that there are anomalies in re-survey and no action has been taken by the Revenue Officials to correct the anomalies. Therefore, notification without correcting the anomalies is illegal and unsustainable.

3. This Court is of the view that the petitioners grievance can be ventilated before the District Collector under Section 13(A) of Kerala Survey and Boundaries Act. The District Collector has the power of revision notwithstanding the notification. Therefore, the petitioners

move before the District Collector with the appropriate application. The 3rd respondent-The District Collector, Alappuzha shall consider the same within a period of four months of moving such application by the petitioners, after hearing the petitioners.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE

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