

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 28519 of 2015 (L)

PETITIONER(S):

**ABDUL AZEEZ, S/O.YOUSUF KUNJU,
ALBARKATH VEEDU, KARALIKONAM,
ARKKANNOOR, ELAMADU VILLAGE,
KOTTARAKKARA, KOLLAM DISTRICT.**

BY ADV. SRI.B.MOHANLAL.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, CUTCHERY P.O.,
KOLLAM-691 013.**
- 3. THE REVENUE DIVISIONAL OFFICER,
CIVIL LINES, COLLECTORATE, CUTCHERY P.O.,
KOLLAM-691 013.**
- 4. THE TAHSILDAR, TALUK OFFICE,
PUNALUR, PUNALUR P.O., KOLLAM-691 305.**
- 5. THE VILLAGE OFFICER,
EDAMULAKKAL VILLAGE, EDAMULAKKAL P.O.,
AYOOR, KOLLAM-691 321.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SALE DEED NO.1423/2002 OF CHADAYAMANGALAM SUB REGISTRY.
- EXT.P2 COPY OF THE PATTa NO.B3-5550/81 DATED 07/07/1997 ISSUED BY THE 4TH RESPONDENT AS PER G.O. NO.M.S.483/97 REVENUE DATED 01/07/1997 ISSUED BY THE GOVERNMENT.
- EXT.P3 COPY OF THE POSSESSION CERTIFICATE NO.808/02 DATED 08/07/2002 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXT.P4 COPY OF THE THANDAPER ACCOUNT IN RESPECT OF THE PROPERTY ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXT.P5 COPY OF THE ENCUMBRANCE CERTIFICATE DATED 15/07/2002 OBTAINED BY THE PETITIONER FROM THE SUB REGISTRAR OFFICE, CHADAYAMANGALAM.
- EXT.P6 COPY OF THE TAX RECEIPT ISSUED BY THE 5TH RESPONDENT IN FAVOUR OF THE PETITIONER'S DAUGHTER FOR THE YEAR 2014-15 DATED 23/03/2015.
- EXT.P7 COPY OF THE TAX RECEIPT ISSUED BY THE 5TH RESPONDENT FOR THE YEAR 2014-15 TO THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.28519 of 2015

Dated this the 22nd day of September, 2015

JUDGMENT

The petitioner has approached this Court with the following reliefs:

- i. To call for the records leading to the petitioner's case from the respondents and issue a writ of certiorari or other appropriate writ order or direction quashing the proceedings of the respondents for recovery of the portion of 27.92 Ares of property comprised in Re-Sy.No.197/2 of Edamulakkal Village covered in Ext.P7 is illegal and without jurisdiction.
- ii. To issue a writ of mandamus or other appropriate writ, order or direction commanding the respondents to desist from recovery of the portion of 27.92 Ares of property of the petitioner comprised in Re-Sy No.197/2 of Edamulakkal Village covered in Ext.P7 without any service of notice to the petitioner to Survey and Demarcate of the property.
- iii. To declare that the respondents have absolutely no jurisdiction to effect recovery of the portion of 27.92 Ares of property of the petitioner comprised in Re-Sy

No.197/2 of Edamulakkal Village covered in Ext.P7 without Survey and Demarcate the property and without any notice as per the provisions of the Land Conservancy Act.

- iv. To declare that the petitioner is entitled to enjoy 27.92 Ares of property comprised in Re-Sy.No.197/2 of Edamulakkal Village covered in Ext.P7 by free from all encumbrances.

If the land in question referred as above is a private land, the revenue officials shall not take possession of the property as above without recourse to the law. However, it is free to demarcate the property and conduct survey under the Surveys and Boundaries Act. Before completion of the demarcation, at the instance of third party, notice shall be issued to the petitioner.

With the above observations, this writ petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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