

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 29376 of 2015 (V)

PETITIONER :

**T.B.SANTHA KUMARI, AGED 74 YEARS
D/O.PARAMESWARA PANICKER, CHALAYIL HOUSE, PARAMPUZHA
NATTASSERY, KOTTAYAM.**

**BY ADVS.SRI.GEORGE SEBASTIAN
SRI.S.RANJIT (KOTTAYAM)**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM - 686 001.**
- 2. THE TAHSILDAR
KOTTAYAM - 686 001.**
- 3. THE TALUK SURVEYOR
OFFICE OF THE TAHSILDAR,
KOTTAYAM - 686 001**
- 4. THE VILLAGE OFFICER,
VIJAYAPURAM, KOTTAYAM - 686 001.**
- 5. E.N RAMAN NAIR
VATTEDE HOUSE, PARAMPUZHA P.O., NATTASSERY
KOTTAYAM - 686 032**

R1 TO R4 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 29376 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE
1ST RESPONDENT DATED NIL.

EXT.P2 COPY OF THE NOTICE DATED 22.9.2015 ISSUED BY THE 3RD
RESPONDENT TO THE PETITIONER.

EXT.P3 COPY OF THE REPRESENTATION DATED 25.9.2015 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.29376/2015

Dated this the 29th Day of September, 2015

J U D G M E N T

The petitioner approached the District Collector under Section 13A of the Kerala Survey and Boundaries Act, 1961 pointing out certain anomalies re-survey. Exhibit P1 is the application.

2. Petitioner submits that no decision has been taken yet in this matter. In the meanwhile, the petitioner has been served with a notice based on an application filed by the 5th respondent, to demarcate the property of the 5th respondent as well as the property of the petitioner. Petitioner further submits that unless the anomalies in resurvey are rectified, any exercise based on Exhibit P2 notice would be detrimental to his interest.

3. This Court is of the view that the petitioner's request in Exhibit P1 shall considered along with Exhibit P2 and the District Collector shall give a direction to the Taluk Surveyor to re-survey the properties and also the Tahsildar to take appropriate action based on Exhibit P1 for rectifying the anomalies in re-survey. The above exercise in respect of rectifying anomalies in re-survey and demarcating the properties shall be done after issuing notice to both the parties. Till appropriate decision is taken pursuant to the directions issued by the District Collector as above, the proceedings based on Exhibit P2 shall be deferred.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)