

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 29779 of 2015 (V)

PETITIONERS:

1. T.V. SASIKALA,
W/O. P.P.VISHNUDAS, SHANKARA NILAYAM, THEKKEKOYIKKAL,
NEAR CHEPPANAM BUND, PANANGADU P.O.,
ERNAKULAM DISTRICT, KOCHI-682 506.
2. P.P.VISHNUDAS,
S/O. P.V.PURUSHOTHAMAN, SHANKARA NILAYAM,
THEKKEKOYIKKAL, NEAR CHEPPANAM BUND, PANANGADU P.O.,
ERNAKULAM DISTRICT, KOCHI-682 506.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM-682 030.
2. THE DISTRICT SURVEY SUPERINTENDENT,
CIVIL STATION, KAKKANAD, ERNAKULAM-682 030.
3. THE ADDITIONAL TAHSILDAR,
(INCHARGE OF RESURVEY COMPLAINT SETTLEMENT),
KANAYANNUR TALUK, ERNAKULAM DISTRICT-682 011.
4. THE TALUK SURVEYOR,
KANAYANNUR TALUK, ERNAKULAM-682 011.
5. THE VILLAGE OFFICER,
KUMBALAM VILLAGE, ERNAKULAM-682 506.
6. C.P. JOSEPH,
S/O. PERU, CHEMBAKASSERY, CHEPPANAM,
PANANGAD P.O., ERNAKULAM DISTRICT-682 506.

R1 TO R5 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R6 BY ADV. SRI.JOLLY JOHN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

WP(C).No. 29779 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE JUDGMENT DTD 12/4/2011 IN WPC NO.12260/2011 OF THIS HON'BLE COURT**
- P2:- TRUE COPY OF THE ORDER DTD 9/3/2012 IN RP NO 200/2012 OF THIS HON'BLE COURT**
- P3:- TRUE COPY OF THE APPLICATION TO SURVEY ADALATH DTD 11/1/2011**
- P4:- TRUE COPY OF THE JUDGMENT DTD 28/11/2014 IN WPC NO.12260/2011 OF THIS HON'BLE COURT**
- P5:- TRUE COPY OF THE REPORT DTD 23/7/2011 OF THE 4TH RESPONDENT**
- P6:- TRUE COPY OF THE ORDER DTD 7/2/2011 IN IA NO.790/2011 IN OS NO.92/2011 OF II ADDITIONAL SUB COURT, ERNAKULAM**
- P7:- TRUE COPY OF THE CAVEAT PETITION FILED BY THE 6TH RESPONDENT BEFORE THE MUNSIFF COURT, ERNAKULAM**
- P8:- TRUE COPY OF THE CAVEAT PETITION FILED BY THE 6TH RESPONDENT BEFORE THE SUB COURT ERNAKULAM**
- P9:- TRUE COPY OF THE CAVEAT PETITION FILED BY THE 6H RESPONDENT BEFORE THE DISTRICT COURT ERNAKULAM**
- P10:- TRUE COPY OF THE ORDER DTD 19/8/2015 IN OP(C) NO.2030/2015 OF THIS HON'BLE COURT**
- P11:- TRUE COPY OF THE OBJECTION DTD 17/9/2015 FILED BY THE IST PETITIONER BEFORE THE 3RD RESPONDENT**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 29779 of 2015

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Dated this the 6th day of October, 2015

J U D G M E N T

The petitioner seeks rectifying the survey records published as per Section 13 of the Survey and Boundaries Act by Ext.P3 application. The petitioner submits that since the civil suite is pending the revenue authorities shall not accept the request of the 6th respondent.

2. It is to be noted that the 6th respondent has approached this Court with W.P. No.12260/2011. This Court is directed the Additional Tahsildar to consider the request of the 6th respondent after hearing the 6th respondent and the writ petitioner herein. It is in the exercise of that process, the petitioner has approached this court.

3. This Court is of the view that in the light of the above direction, it is improper on the part of the petitioner to file a writ petition to interdict an exercise being carried out by the authorities in the light of Ext.P4 judgment. It is made clear that stay granted

by this Court taking note of civil suit cannot be an impediment in carrying out the directions in Ext.P4 judgment. Needful shall be done by the Additional Tahsildar in the light of the above judgment without any delay. In view of the above, the Additional Tahsildar is given two months time from the date of receipt of the copy of this judgment to complete the steps.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE