

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 31464 of 2015 (G)

PETITIONER(S) :

**BABU PRAKASH, S/O.PRABHAKARAN PILLAI,
NALLUR VEEDU (KURUMPELIL), PERUMPUZHA CHERRY,
ELAMPALLOOR VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL LINES, CUTHERY P.O., KOLLAM- 691 013.**
- 2. THE TAHASILDAR,
TALUK OFFICE, KOLLAM- 691 001.**
- 3. THE VILLAGE OFFICER,
ELAMPALLOOR VILLAGE, ELAMPALLUR P.O, KOLLAM, PIN- 691 014.**
- 4. THE DEPUTY DIRECTOR OF SURVEY,
COLLECTORATE, CUTCHERY P.O., KOLLAM- 691 013.**
- 5. SMT.SHOBHANAKUMARI, D/O.BHAVANIAMMA,
THADATHIVILA VEEDU, PUNUKKANNUR, ALUMMOODU P.O.,
PERUMPUZHA, KOLLAM, PIN- 691 015.**

R1 TO R4 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: THE TRUE COPY OF THE TAX RECEIPT DATED 21.03.1984 FOR THE PERIOD 1983 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXHIBIT P2: THE TRUE COPY OF THE TAX RECEIPT DATED 05.11.2008 FOR THE PERIOD 2008 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXHIBIT P3: THE TRUE COPY OF THE TAX RECEIPT DATED 05.10.2015 FOR THE PERIOD 2015 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXHIBIT P4: THE TRUE COPY OF THE APPLICATION DATED 07.10.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P5: THE TRUE COPY OF THE NOTICE DATED 03.10.2015 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 31464 of 2015

Dated this the 15th October, 2015

JUDGMENT

Learned counsel for the petitioner submits that the petitioner has approached the first respondent District Collector under Section 13(A) of the Survey and Boundaries Act to rectify the anomalies in the re-survey. According to the petitioner, Exhibit P4 application is pending consideration. In the meantime, the fifth respondent, a neighbouring owner, has approached the second respondent Tahsildar for survey and demarcation of his property. The petitioner has received a notice.

2. The petitioner apprehends that without rectifying the anomalies in re-survey, any demarcation of the property of the fifth respondent would entail loss to him.

3. In the above circumstances, this Court is of the view that the first respondent shall cause an enquiry regarding the rectification of anomalies in the re-survey through the second respondent. The second respondent

shall undertake demarcation of property of the fifth respondent along with the enquiry relating to the anomalies in re-survey. Both exercises shall be done simultaneously. It is made clear that the demarcation of the property of the fifth respondent shall not be undertaken without considering the request of the petitioner in terms of Section 13(A) of the Survey and Boundaries Act.

4. The petitioner submits that he has also made an application for rectifying a defect in respect of another item of property.

If the petitioner files an application before the first respondent along with a certified copy of this judgment, that request shall also be taken into consideration by the first respondent along with the exercise to be carried out as afore noted.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs15/10/15