

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. 31476 of 2015 (H)

PETITIONER :

**FR.G.JOSEPH THEKKINEN,
S/O. PAULO, AGED 54 YEARS,
VICAR, ST. THOMAS FORANE CHURCH,
KOTTAKAVU, N. PARAVUR - 683 513, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.JOHNSON MANAYANI
SRI.JEEVAN MATHEW MANAYANI**

RESPONDENT(S):

- 1. THE TAHSILDAR,
N.PARAVUR - 683 513.**
- 2. THE ADDITIONAL THASILDHAR,
NORTH PARAVUR - 683 513.**
- 3. THE VILLAGE OFFICER,
VADAKKEKARA VILLAGE, VADAKKEKARA P.O.,
ERNAKULAM DISTRICT - 683 522.**
- 4. THE VILLAGE OFFICER,
N. PARAVUR VILLAGE, N. PARAVUR - 683 513.**
- 5. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT,
TRIVANDRUM - 695 001.**

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:**

sts

WP(C).NO.31476/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE DETAILS ABOUT THE PETITIONER'S CHURCH**
- P2 COPY OF THE LAND TAX RECEIPT**
- P3 COPY OF THE DETAILS ABOUT THE RPROPERTIES IN POSSESSION OF THE PETITIONER'S CHURCH**
- P4 COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 10/8/2015**
- P5 COPY OF THE VARIOUS PROPERTIES BELONGING TO THE PETITIONER CHURCH**
- P6 COPY OF THE APPLICATION DATED 10/9/2015**
- P7 COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC.NO.28043 OF 2015**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 31476 of 2015

Dated this the 15th October, 2015

JUDGMENT

The petitioner has approached the first respondent for surveying and demarcating his property. Since the property was not demarcated the petitioner approached this Court and this Court by judgment in W.P(C).No.28043 of 2015 directed the first respondent to do the needful within three months. It appears that the petitioner has already filed necessary application.

2. The petitioner apprehends that pending completion of survey and demarcation, attempt will be made for assigning the land in possession of the property to the third parties treating it as a Government land.

In the above circumstances, this Court is of the view that the respondents shall not issue patta of the property in possession of the petitioner until completion of survey and demarcation of the property as ordered by this Court in W.P(C).No.28043 of 2015. If the petitioner is in

possession of the land, he can be dispossessed only in accordance with the procedure under the Land Conservancy Act.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs15/10/15