

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 31923 of 2014 (M)

PETITIONER(S):

1. PRASAD, AGED 54 YEARS,
SON OF AYYAPPANAKUTTY KOCHU,
PONNACHUPARAMBIL @ PONNACHIPRAMBU,
ELAMKUNNAPUZHA VILLAGE, PUTHUVYPE P.O., PIN: 682 508.
2. JOHNNAMMA GEORGE, AGED 71 YEARS,
WIFE OF GEORGE P.T.,ELAMKUNNAPUZHA VILLAGE,
PUTHUVYPE P.O., PIN: 682 508.

**BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE**

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM,PIN- 695 001.
2. THE REVENUE DIVISIONAL OFFICER,
FORTKOCHI - 682 001.
3. ADDITIONAL TAHSILDAR,
TALUK OFFICE, KOCHI - 682 001.

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 31923 of 2014 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE TAX RECEIPT DATED 21/10/1991 ISSUED BY THE VILLAGE OFFICER, PUTHUVYPE VILLAGE.**
- P2: TRUE COPY OF THE PATTAN NO.458/1968.**
- P3: TRUE COPY OF THE REPRESENTATION DATED 10/11/2014 SUBMITTED BY THE PETITIONERS**
- P4: TRUE COPY OF THE LOCATION SKETCH IN RESPECT OF THE PROPERTY.**
- P5: TRUE COPY OF THE REPORT DATED 20/9/2014 OF THE VILLAGE OFFICER, ELAMKUNNAPUZHA.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 31923 of 2014

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Dated, this the 6th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

"i. Issue a writ of mandamus or such other writ, direction or order compelling the 3rd respondent to consider Ext. P3 application affording an opportunity of hearing to the petitioner within a time frame fixed by this Honourable Court.

ii. Issue such other writ, direction or order as is deemed just and necessary in the facts, features and circumstances of the case.

2. The learned counsel for the petitioners submits that the mistake occurred in the resurvey has been sought to be rectified and that the petitioners will be satisfied, if a direction is given to the third respondent to consider and pass appropriate orders on Ext. P3 representation preferred by the petitioner within a reasonable time, after giving an opportunity of hearing to the petitioner.

3. Heard the learned Government Pleader as well, who submits that Ext. P3 can be caused to be considered in the light of Ext. P5 report of the Village Officer.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The Writ Petition is disposed of, directing the third respondent to consider and pass appropriate orders on Ext. P3 representation, in accordance with law and in the light of Ext. P5 report of the Village Officer and such other relevant materials, if any, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the third respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd