

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 33452 of 2015 (F)

PETITIONER(S):

1. **BIMAL KUMAR, AGED 46 YEARS,
S/O.LATE AJITH KUMAR, NISARGA, VIDHYA NAGAR,
KALPETTA NORTH POST, KALPETTA AMSOM DESOM,
VYTHIRI TALUK, WAYANAD DISTRICT.**
2. **PANKAJAKSHI, AGED 68 YEARS,
W/O.LATE AJITH KUMAR M.K., SANTHI NIVAS,
KALPETTA NORTH POST, KALPETTA AMSOM DESOM,
VYTHIRI TALUK, WAYANAD DISTRICT.**
3. **HEMALATHA, AGED 52 YEARS,
W/O.ADV.DHARANA RAJ, GOKULA EXTENSION HUNSUR.**
4. **RAJESH M.A., AGED 50 YEARS,
S/O.LATE AJITH KUMAR M.K., SANTHI NIVAS,
KALPETTA NORTH POST, KALPETTA AMSOM DESOM,
VYTHIRI TALUK, WAYANAD DISTRICT,
PETITIONERS 2-4 REPRESENTED BY 1ST PETITIONER
THE POWER OF ATTORNEY HOLDER OF THEM.**

BY ADV. SMT.CELINE JOSEPH

RESPONDENT(S):

1. **THE TAHSILDAR, VYTHIRI TALUK,
WAYANAD DISTRICT.**
2. **THE TALUK SURVEYOR,
VYTHIRI TALUK, WAYANAD DISTRICT.**
3. **THE DISTRICT COLLECTOR, WAYANAD.**
4. **STATE OF KERALA, REPRESENTED BY
SECRETARY TO REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : COPY OF THE PATTA ISSUED INFAVOUR OF THE LATE M.K.AJITH KUMAR.
- P2 : TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE LATE M.K.AJITH KUMAR.
- P3 : TRUE COPY OF THE SURVEY PLAN ISSUED FROM THE VILLAGE OFFICE.
- P4 : TRUE COPY OF THE PETITION BEFORE THE TAHSILDAR, VYTHIRI.
- P5 : TRUE COPY OF THE REPRESENTATION BEFORE THE SURVEY ADALATH, VYTHIRI TALUK.
- P6 : TRUE COPY OF THE REPRESENTATION DT.14-1-2004 BEFORE THE RE SURVEY SUPERINTENDENT KALPETTA.
- P7 : TRUE COPY OF THE CHALAN RECEIPT DT.7-3-2005.
- P8 : TRUE COPY OF THE REPRESENTATION DT.15-9-2011.
- P9 : TRUE COPY OF THE APPLICATION IN FORM NO.10.
- P10 : TRUE COPY OF THE REPORT DT.31-8-2013 OBTAINED BY RESORTING TO RIGHT TO INFORMATION ACT.
- P11 : TRUE COPY OF THE COMMUNICATION DT.12-3-2015 ISSUED BY ADDITIONAL TAHSILDAR, VYTHIRI.
- P12 : TRUE COPY OF THE REPLY NOTICE DT.8-8-2011 SENT BY THE SAID OMANA GEORGE TO THE TAHSILDAR, VYTHIRI.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.33452 of 2015

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Dated this the 24th day of November, 2015

J U D G M E N T

The petitioners had approached the Taluk Surveyor for fixation of boundary.

2. The Additional Tahsildar as per Ext.P11 intimated the petitioners that on account of the dispute with the neighbouring property, he could not fix the boundary.

3. This Court is of the view that the Additional Tahsildar shall complete the exercise of determining the boundary in terms of Survey and Boundaries Act after issuing notice to all the concerned. If any request is made by the Additional Tahsildar for police assistance, the SHO of competent jurisdiction shall also provide necessary police assistance for demarcating the boundary. Needful shall be done within three months from the date of receipt of the copy of this judgment.

4. However it is made clear that if the 3rd parties are in possession of the any portion of the property belonged to the petitioner, the recovery of such property can only be based on

the decree and judgment of the civil court and the exercise in this regard by the Tahsildar shall only for the purpose of issuing a sketch and plan in accordance with the records and documents.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE