

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 34099 of 2015 (J)

PETITIONER(S):

**SUNITHA, AGED 36 YEARS,
D/O. SASIDHARAN NAIR, SASI NIVAS, PEDIKULAM,
PULIMATH VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.SIJU,
SMT.S.SEETHA.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KUDAPPANAKUNNU P.O.,
THIRUVANANTHAPURAM - 695 043.**
- 2. THE REVENUE DIVISIONAL OFFICER,
CIVIL STATION, KUDAPPANAKUNNU P.O.,
THIRUVANANTHAPURAM - 695 043.**
- 3. THE ADDITIONAL TAHSILDAR,
CHIRAYINKEEZHU TALUK, TALUK OFFICE, ATTINGAL,
THIRUVANANTHAPURAM - 695 101.**
- 4. TALUK SURVEYOR,
CHIRAYINKEEZHU TALUK OFFICE, ATTINGAL - 695 101.**
- 5. THE VILLAGE OFFICER, PULIMATH VILLAGE,
THIRUVANANTHAPURAM DISTRICT - 695 612.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 - THE COPY OF ORDER DATED 30.05.2014 ISSUED BY THE
THIRD RESPONDENT BY VIDE NO.XXII/3/14.
- EXT.P2 - THE COPY OF APPEAL MEMORANDUM FILED U/S 16 OF THE
KERALA LAND CONSERVANCY ACT.
- EXT.P3 - THE COPY OF LETTER DATED 13.08.2014 ISSUED BY THE
DISTRICT COLLECTOR, THIRUVANANTHAPURAM.
- EXT.P4 - THE COPY OF REPRESENTATION SUBMITTED BEFORE THE
3RD RESPONDENT.
- EXT.P5 - THE COPY OF NOTICE DATED 26.10.2015 ISSUED BY THE
TALUK SURVEYOR.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.34099 of 2015

Dated this the 11th day of November, 2015

JUDGMENT

The petitioner, aggrieved by an order under the Land Conservancy Act, has preferred an appeal before the District Collector. The District Collector has forwarded the same to the second respondent as per Ext.P3. According to the petitioner, the above appeal is pending. The petitioner is now being served with a notice by the Taluk Surveyor for determining her land. The petitioner submits that the above notice is illegal. Ext.P5 is the notice.

This Court is of the view that the petitioner shall co-operate with Ext.P5 notice. However, based on the determination, no action shall be taken against the petitioner till the disposal of the appeal by the second respondent. Any determination of the petitioner's land shall be placed before the Revenue Divisional Officer by the Taluk Surveyor, necessarily, the Revenue Divisional Officer shall dispose the appeal only after advertng to the petitioner's objection and also the report of the Taluk Surveyor.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE