

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 34455 of 2014 (F)

PETITIONER(S):

**MARY XAVIER,
W/O.LATE XAVIER, PAINADATH VEETIL, PADUVAPURAM P.O
EDAKKUNNU, KARUKKUTTY VILLAGE, ALUVA TALUK.**

**BY ADVS.SRI.T.P.SAJAN
SRI.M.MOHAMED NAVAZ
SRI.P.SANTHOSH KUMAR (TR)**

RESPONDENT(S):

- 1. LAND REVENUE COMMISSIONER
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM, PIN 695 501.**
- 2. DISTRICT COLLECTOR,
O/O THE DISTRICT COLELCTOR, CIVIL STATION, KAKKANAD
ERNAKULAM, PIN 682 0309.**
- 3. REVENUE DIVISIONAL OFFICER,
O/O THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI, ERNAKULAM, PIN 682 001.**
- 4. ADDITIONAL TAHSILDAR, ALUVA TALUK,
ALUVA, PIN 683 101.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 34455 of 2014 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF JUDGMENT DATED 20-12-2012 IN WPC NO 19198/2012

**EXHIBIT P2 TRUE COPY OF ORDER VIDE REF NO LR J3-49218/2011
DATED 3-9-2013 OF THE FIRST RESPONDENT**

EXHIBIT P3 TRUE COPY OF THE REMINDER DATED 23-12-2013

**EXHIBIT P4 TRUE COPY OF THE PROCEEDINGS VIDE REF NO L2 874/1 DATED
11-2-2014 ISSUED BY THE SECOND RESPONDENT**

**EXHIBIT P5 TRUE COPY OF THE APPLICATION DATED 13-3-2014 FILED BEFORE
THE FOURTH RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 34455 of 2014

Dated this the 12th day of January, 2015

JUDGMENT

The prayers in the writ petition are as follows:

"a. Call for the records leading to Ext.P2 and issue a writ of mandamus or any other appropriate writ order or direction commanding the second and fourth respondent to comply with the directions contained in Ext.P2 order.

b. Issue a writ of mandamus or any other appropriate writ order or direction, commanding the 2nd and 4th respondent to measure the property in old Survey No. 1269/2J now in resurvey No. 463 of Krukutty village with reference to all records including the records kept in the Irrigation department, Koratty and also the records that related to the area in old survey numbers and demarcate the puramboke land as per the field register and mark out the extent in occupation of the petitioner and assign survey sub division to the said property in possession of the petitioner.

c. To issue a writ of mandamus or any other appropriate writ order or direction, commanding the 1st and 2nd respondent to assign 12.5 cents of land in old Survey No. 1269/2J now in resurvey No.463 of Krukutty village to the petitioner."

2. Being aggrieved of the order passed by the 2nd respondent, the petitioner preferred a representation before the 1st respondent which was directed to be considered and finalized

as per Ext.P1 judgment in W.P.(C). No. 19198 of 2012 preferred by the petitioner. Pursuant to the said proceedings, the matter was considered by the second respondent, who passed Ext.P2 order on 3.09.2013 remanding the matter to the District Collector to have the property measured out with reference to the records maintained by the Irrigation Department as well as the Revenue Department. The District Collector in turn directed the 4th respondent as per Ext.P4 order dated 11.2.2014 to conduct the measurement and submit a report along with a sketch alerting the 4th respondent that no delay shall be there in giving effect to the order passed by the 1st respondent. Nothing has transpired in the positive and hence the writ petition.

3. Heard the learned Government Pleader appearing for the respondents who points out that, further steps are being taken on a war footing and that the proceedings will be finalized within the shortest possible time.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to give effect to Ext.P2 order and the proceedings as above shall be finalized at the earliest, at any

rate, within 'two months' from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

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

kp/-