

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 37417 of 2015 (B)

PETITIONER:

**PADMAVATHI B, D/O.BHARATHI,
GOKULA MANDIRAM, KADAMKULAM,
E.T.C. P.O, KOTTARAKKARA, KOLLAM DISTRICT.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S):

- 1. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, KOTTARAKKARA,
KOLLAM - 691 506.**
- 2. THE TALUK SURVEYOR,
OFFICE OF THE ADDITIONAL TAHASILDAR,
TALUK OFFICE, KOTTARAKKARA, KOLLAM - 691 506.**
- 3. SRI.PRABHAKARAN, THETTIVILA PUTHEN VEEDU,
KADAMKULAM, E.T.C. P.O, KOTTARAKKARA,
KOLLAM - 691 506.**
- 4. SMT.NANDINI, THETTIVILA PUTHEN VEEDU,
KADAMKULAM, E.T.C. P.O,
KOTTARAKKARA, KOLLAM - 691 506.**

R1 & R2 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 37417 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1- THE TRUE COPY OF THE TAX RECEIPT DATED 9.7.2015 ISSUED BY THE VILLAGE OFFICER, KOTTARAKKARA TO THE PETITIONER FOR THE YEAR 2015-16.**
- P2- THE TRUE COPY OF THE SURVEY SKETCH OF THE PROPERTY.**
- P3- THE TRUE COPY OF THE NOTICE PB NO.773/2015 DATED 4.11.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- P4- THE TRUE COPY OF THE OBJECTION DATED 18.11.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
- P5- THE TRUE COPY OF THE NOTICE PB NO.773/2015 DATED 2.12.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.37417 of 2015

Dated this the 10th day of December, 2015

JUDGMENT

The petitioner has approached this Court challenging Ext.P5 notice issued by the first respondent under the Survey and Boundaries Act. The petitioner submits that the property is well demarcated by separated boundary stones and granite wall and the attempt is now being made to unsettle, the settled issues. The petitioner also submits that there is a sub division number and thandaper register for the property held by the party respondents.

This Court is of the view that the petitioner shall co-operate with Ext.P5 notice. However, the Taluk Surveyor, before concluding the survey and demarcation, shall advert to the objection of the petitioner by Ext.P4. The first respondent shall take a decision in this matter after adverting to the objection of the petitioner and also the sketch prepared by the Taluk Surveyor. The final decision in this matter shall be taken only after hearing the petitioner and the party respondents.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE