IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

TUESDAY, THE 15TH DAY OF DECEMBER 2020 / 24TH AGRAHAYANA, 1942

WP(C).No.20850 OF 2020(E)

PETITIONERS:

1 SAJEEV P.C.,
S/O.CHATHAN, KANJIRAKKOD PATTIKAJATHI COLONY,
MUDAKKUZHA P.O., PERUMBAVOOR - 683 546.

2 SUNIL KUMAR E.
S/O.CHATHAN, EDANATHADAM VEEDU, MUDAKKUZHA P.O.,
PERUMBAVOOR - 683 546.

BY ADVS.
SRI.G.BHAGAVAT SINGH
SHRI.SUNDARESAN N.K.
SHRI.KELU BHAGAVAT

RESPONDENTS:

1 THE MUDAKKUZHA GRAMA PANCHAYAT,
MUDAKKUZHA P.O., PERUMBAVOOR - 683 546.
REPRESENTED BY ITS SECRETARY.

2 THE DISTRICT COLLECTOR
COLLECTORATE, KAKKANAD P.O., ERNAKULAM - 682 030.

3 THE REVENUE DIVISIONAL OFFICER,
MOOVATTUPUZHA MINI CIVIL STATION,
MOVATTUPUZHA - 686 661.

4 THE TAHSILDAR (L.R.)
KUNNATHUNADU TALUK, PERUMBAVOOR P.O.,
ERNAKULAM - 683 542.

5 THE VILLAGE OFFICER
RAYAMANGALAM VILLAGE, RAYAMANGALAM P.O.,
PERUMBAVOOR - 683 845.

6 THE DISTRICT SUPERINTENDENT OF SURVEY
OFFICE OF THE DISTRICT SUPERINTENDENT OF SURVEY,
CIVIL STATION, ERNAKULAM - 682 030.

7 ELIAMMA
W/O.VARGHESE, THADIKKULANGARA VEEDU, MUDAKUZHA P.O., PERUMBAVOOR - 683 546.

R1 BY SRI.R.RANJITH, SC, MUDAKUZHA GRAMA PANCHAYAT
R7 BY ADV. SRI.REJI GEORGE
R7 BY ADV. SRI.BINOY DAVIS
R7 BY ADV. SRI.S.KRISHNAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

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W.P.(C) No.20850 of 2020

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Dated this the 15th day of December, 2020

JUDGMENT

The dispute involved centers around a quarry-pond (parakkulam). The petitioners claim it to be situated in Government land and that they have been uninterruptedly using the same. On the other hand, the 7th respondent claims that the said quarry-pond is part of her registered holding over which she has absolute title, interest and possession.

2. The petitioners complain that, in the re-survey records the disputed quarry pond is included in the name of the 7th respondent based on incorrect measurements and materials. The 7th respondent disputes the same and relies on her title deed as well as the prior deeds to claim title over the same.

3. Section 13A of the Survey and Boundaries Act, 1961 gives power of Revision to the second respondent with respect to disputes on survey. The petitioners have preferred Ext.P11 before the

second respondent which is pending.

Without expressing anything on the merits, I dispose of this writ petition directing the second respondent to consider and pass appropriate orders on Ext.P11 as expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of this judgment, with due notice to the petitioners and the 7th respondent herein. Needless to say that, dispute regarding title will have to be settled by a Civil Court and that re-survey is not decisive of title.

Sd/-
SATHISH NINAN
JUDGE

kns/-

//True Copy//

P.S. to Judge

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	COPY OF THE SETTLEMENT DATED NO.2903/1980 DATED 26/05/1980 STAND IN THE NAME OF THE PREDECESSORS OF THE 7TH RESPONDENT.
EXHIBIT P2	COPY OF THE SALE DEED NO.90/1990 DATED 15/01/1990 STANDS IN THE NAME OF 7TH RESPONDENT.
EXHIBIT P3	COPY OF THE SALE DEED NO.412/1992 DATED 21/02/1992 STANDS IN THE NAME OF 7TH RESPONDENT.
EXHIBIT P4	COPY OF REPRESENTATION FILED BY THE PETITIONERS AND OTHERS BEFORE THE 2ND RESPONDENT AND OTHERS DATED 20/05/2019.
EXHIBIT P5	COPY OF THE COMPLAINT DATED 27/5/2019 FILED BY THE PETITIONERS AND OTHERS BEFORE THE SI OF POLICE AND HEALTH INSPECTOR.
EXHIBIT P6	COPY OF THE COMPLAINT DATED 23/07/2019 BEFORE THE CI OF POLICE BY THE FEMALE RESIDENTS OF THE COLONY.
EXHIBIT P7	COPY OF THE REPRESENTATION DT. 15/11/2019 FILED BY THE PETITIONERS AND OTHERS BEFORE THE 4TH RESPONDENT.
EXHIBIT P8	COPY OF THE REPRESENTATION FILED BY THE RESIDENTS BEFORE THE 4TH RESPONDENT DATED 30/12/2019.
EXHIBIT P9	COPY OF THE STATEMENT DATED 18/01/2020 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 4TH RESPONDENT.
EXHIBIT P10	COPY OF THE REPORT DATED 20/03/2020 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE 2ND RESPONDENT.
EXHIBIT P11	COPY OF THE REPRESENTATION FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DATED 16/07/2020.
