

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943

WP(C) NO. 2556 OF 2022

PETITIONER:

VECHOORETTU RESORTS PVT LTD
REPRESENTED BY ITS DIRECTOR, SIBU JOSEPH, AGED 53,
S/O.V.J.JOSEPH, VECHOORETTU HOUSE, PADINJATTUMBHAGOM,
ETTUMANOOR P.O., KOTTAYAM, PIN - 686 631.

BY ADV GIKKU JACOB

RESPONDENTS:

- 1 TAHASILDAR (LAND RECORDS)
REVENUE TOWER, THIRUNAKKARA P.O., KOTTAYAM - 686 001.
- 2 EXECUTIVE ENGINEER
P.W.D.ROADS DIVISION, OFFICE OF EXECUTIVE ENGINEER,
MARKET P.O., KOTTAYAM, PIN - 686 001.
- 3 ASSISTANT ENGINEER
P.W.D., OFFICE OF ASSISTANT ENGINEER, ETTUMANOOR P.O.,
KOTTAYAM, PIN - 686 631.
- 4 STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

SMT. MABLE .C .KURIAN SR.G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The singular prayer of the petitioner — which is stated to be a company incorporated under the Companies Act — is that the first respondent – Tahsildar (Land Records), be directed to conduct a survey and fix the boundaries of their property as per their application dated 28.02.2020 and Ext.P4 reminder.

2. The afore request of the petitioner, as made by the learned counsel — Sri.Gikku Jacob, was answered by the learned Senior Government Pleader — Smt.Mable C.Kurian, saying that if the petitioner only requires their application to be considered in terms of law, there does not appear to be any legal impediment in doing so; but prayed that this Court may not make any affirmative declarations as to the entitlement of the petitioner to any relief and leave it to the competent Authority to take a decision on it in terms of law.

3. In reply, Sri.Gikku Jacob submitted that in a similar matter, another learned Judge of this Court has already directed the survey to be completed within a period of one month.

4. Taking note of the afore submissions, I allow this writ

petition and direct the first respondent to take up the application of the petitioner dated 28.02.2020, which is discernible from Ext.P4 reminder, and to conduct the survey and fix the boundaries of their property as per the survey records and title documents and after affording them an opportunity of being heard; thus culminating in an appropriate order an necessary action thereon, as expeditiously as is possible, but not later than one month from the date of receipt of a copy of this judgment.

At this time, the learned Senior Government Pleader intervened to say that while the afore exercise is completed, the first respondent may permit to hear the third respondent also. This liberty is certainly available to the said Authority in terms of law. It is so clarified.

Sd/- DEVAN RAMACHANDRAN
JUDGE

stu

APPENDIX OF WP(C) 2556/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE SALE RESOLUTION TAKEN BY THE PETITIONER COMPANY IN ITS MEETING HELD ON 15/12/2021.
- Exhibit P2 TRUE COPY OF THE LAND TAX RECEIPT DATED 27/2/2020 ISSUED FROM VILLAGE OFFICER, ONAMTHURUTHU.
- Exhibit P3 TRUE COPY OF THE ACKNOWLEDGMENT DATED 19/3/2020 ISSUED BY THE 1ST RESPONDENT.
- Exhibit P4 TRUE COPY OF THE REMINDER LETTER DATED 14/10/2020 FILED BY PETITIONER BEFORE THE 1ST RESPONDENT.
- Exhibit P5 TRUE COPY OF THE LETTER NO.G5-3422/2020 ISSUE BY 1ST RESPONDENT.
- Exhibit P6 TRUE COPY OF THE STOP MEMO DATED 6/5/2021 ISSUED BY 2ND RESPONDENT.
- Exhibit P7 TRUE COPY OF THE APPLICATION FILED BY THE 3RD RESPONDENT FOR FIXING THE BOUNDARY DATED 23/6/2021.
- Exhibit P8 TRUE COPY OF THE ACKNOWLEDGMENT DATED 15/9/2021 ISSUED BY THE 1ST RESPONDENT FOR EXHIBIT P7.