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**Uthuppan vs the Tahsildar**

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**SooperKanoon Citation** : sooperkanoon.com/1309703

**Court** : Kerala

**Decided On :** Feb-19-2024

**Judge** : Honourable Mr.Justice Viju Abraham

**Appeal No.** : WP(C)/6195/2024

**Appellant** : Uthuppan

**Respondent** : The Tahsildar

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM MONDAY, THE 19TH DAY OF FEBRUARY 2024 / 30TH MAGHA, 1945 WP(C) NO. 6195 OF 2024 PETITIONER: UTHUPPAN,AGED 77 YEARS S/O CHACKO, KAVIRAYIL HOUSE, MAMBAD P.O., MALAPPURAM, PIN - 676542 BY ADVS. THOMAS T.VARGHESE PHILIP T.VARGHESE ACHU SUBHA ABRAHAM M.N.MATHEW V.T.LITHA K.R.MONISHA JIJO PAUL RESPONDENTS: 1 THE TAHSILDAR TALUK OFFICE, NILAMBUR, MALAPPURAM, PIN - 679329 2 THE TALUK SURVEYOR NILAMBUR, MALAPPURAM, PIN - 679329 3 THE DISTRICT SURVEY SUPERINTENDENT DISTRICT SURVEY OFFICE, MALAPPURAM, PIN - 676505

OTHER PRESENT: SR.GP - DEEPA NARAYANAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C).No.6195 of 2024 2 VIJU ABRAHAM,J ---------- W.P.(C).No.6195 of 2024 ---------- Dated this the 19th day of February, 2024

## JUDGMENT

Petitioner has approached this Court seeking a direction to respondents 1 and 2 to conduct survey of the properties as applied for as per Exts.P3,P5,P7,P9,P11,P13,P15,P17 and P19.

2. It is averred that the petitioner and his

family are residents of Mampad Village in Nilambur Taluk in Malappuram District. Petitioner is the owner in possession of 1 hectare 36 ares 42 sq. metres made up of 35 ares 38 sq. metres in Re- Survey No.44/2, 4 ares 5 sq. metres in Re-survey

No.45/1-2, 8 ares 36 sq metres in

Malappuram District. Tax was also paid in respect of the said property. Petitioner is also managing the properties of his son Shibu Jacob. Petitioner's son Shibu Jacob is in ownership of W.P.(C).No.6195 of 2024 3 immovable property having an extent of 10 ares 12 sq. metres made up of 6 ares 88 sq metres in Re- survey No.44/1-2 and 3 ares 24 sq. metres in Re- survey No.44/3-2 of Mampad Village. He is also paying taxes in respect of the property as per Ext.P2. Petitioner and his son have been facing threats of encroachment from some adjoining property owners and boundary disputes are a regular feature and hence it has became necessary that the boundaries of the properties be demarcated correctly so as to avoid disputes of such nature. In the said circumstances, petitioner has preferred Ext.P3 application before the 1st and 2nd respondents and he seeks for a speedy disposal of the said application in accordance with law.

3. The learned Government Pleader upon

instructions submitted that proper authority to take further proceedings on the application is the Tahsildar (LR) and the said authority is not made a party in the writ petition. Therefore, the above writ petition is disposed of with a direction to respondents 1 and 2, and if W.P.(C).No.6195 of 2024 4 they are not the proper authority to consider the same, transmit the same to the proper authority, ie, Tahsildar(LR) concerned and dispose of the application in accordance with law, at the earliest, at any rate, within an outer limit of 6 months from the date of receipt of a copy of the

## judgment with notice to the petitioner and any

other affected parties. sd/- VIJU ABRAHAM, JUDGE pm W.P.(C).No.6195 of 2024 5 APPENDIX OF WP(C) 6195/2024 PETITIONER'S EXHIBITS Exhibit P1 TRUE COPY OF LAND TAX RECEIPT NO. KL10051102147/2021 ISSUED BY VILLAGE OFFICER, MAMPAD DATED 16.04.2021 Exhibit P2 TRUE COPY OF LAND TAX RECEIPT NO. KL10051102312/2023 ISSUED BY VILLAGE OFFICER, MAMPAD 29.04.2023

Exhibit P3 TRUE COPY OF THE APPLICATION NO. G2-Exhibit

RESPONDENT DATED 26.04.2022

Exhibit P13 TRUE COPY OF THE APPLICATION NO. G2-Exhibit

RESPONDENT DATED 11.07.2022 Exhibit P15 TRUE COPY OF THE APPLICATION NO. G2- Exhibit P16 TRUE COPY OF RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 11.07.2022 Exhibit P17 TRUE COPY OF THE APPLICATION NO. G2- Exhibit P18 TRUE COPY OF RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 09.01.2023 Exhibit P19 TRUE COPY OF THE APPLICATION NO. G2- Exhibit P20 TRUE COPY OF RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 09.01.2023 Exhibit P21 TRUE COPY OF LETTER SUBMITTED BY PETITIONER BEFORE HON'BLE CHIEF MINISTER DATED 30.11.2023

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