

Kerala High Court

Fathimath Sameera vs The District Collector on 19 March, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 8822 of 2009(W)

1. FATHIMATH SAMEERA, W/O.ABDUL RAHIMAN,
... Petitioner

Vs

1. THE DISTRICT COLLECTOR,CIVIL STATION,
... Respondent

2. THE REVENUE DIVISIONAL OFFICER,

3. THE TAHSILDAR,KASARAGOD.

4. THE VILLAGE OFFICER,KUDLU VILLAGE,

For Petitioner :SRI.K.V.SOHAN

For Respondent : No Appearance

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :19/03/2009

O R D E R

ANTONY DOMINIC, J.

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W.P.(C) NO. 8822 OF 2009 (W)

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Dated this the 19th day of March, 2009

J U D G M E N T

Petitioner submits that the 1st respondent has issued Ext.P1 patta dated 29/8/2001. According to the petitioner, while constructing the compound enclosing the property, it came to her knowledge that she was in possession of an excess area of .75 cents. It is stated that thereupon she filed Ext.P4 application before the 1st respondent requesting that the aforesaid excess area of .75 cents may be

assigned to her. Orders have not been passed on the said application. However, in the meantime, petitioner apprehends that steps are being taken to dispossess her from the aforesaid land. It is in these circumstances, the writ petition has been filed.

2. The above being the grievance of the writ petitioner, at this stage, the appropriate order to be passed is to direct the 1st respondent to pass orders on Ext.P4 application for assignment keeping in abeyance further proceedings to dispossess the petitioner or to cause damage to the property in her possession.

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3. Therefore, the writ petition is disposed of with the following directions.

(1) That the 1st respondent shall pass orders on Ext.P4 with notice to the petitioner and as expeditiously as possible, at any rate within 3 months of production of a copy of this judgment.

(2) It is directed that in the meanwhile, the petitioner shall not be dispossessed nor shall any damage be caused to the compound wall covering .75 cents situated in RS No.172/IA3A1A8 of Kudlu Village, Kasargod Taluk.

(3) Petitioner shall produce a copy of this judgment before the 1st respondent for compliance.

ANTONY DOMINIC, JUDGE Rp