

IN THE COURT OF THE PRINCIPAL MUNSIFF, CHERTHALA

Present: Sri. Rovin Rodrigues, Principal Munsiff

Wednesday, the 03rd day of December 2025/ 12th Argrahayanam, 1947

IA 11/2025 in O. S. No. 455/2016

(Filed on 06.11.2025)

Petitioners/Defendants:-

1. The District Collector,
Collectorate, Alappuzha,
2. Tahsildar, (Land Records), Cherthala.
3. The Village Officer, Thyicakattussery.

By AGP.

Cr. Petitioner/Plaintiff:-

Sivankutti, aged 57, S/o. Venugopal,
Kaithavana, Pazhaveedu Village,
Ambalapuzha Taluk.

By Adv. P.Manoj.

This petition having been heard on 03.12.2025 and the Court on the same day passed the following:-

ORDER

This is an application filed by the second defendant under Order 26, Rule 10(3) of CPC seeking to set aside the Commission report and Survey Sketch dated 12.12.2023. It is claimed that the plaintiff has only 27.11 ares of property in Survey No.77/11, and he has encroached on 4.64 ares of land in Survey No. 77/3 belonging to the Government. The petitioner claims that the puramboke land in Sy.No. 77/3 has not been measured out correctly, and hence the commission report and plan have to be set aside.

2. The respondent/plaintiff filed an objection and argued that there is no mistake in the Commission report and plan.

3. Heard, Perused the records.

4. The suit is for declaration and injunction with respect to the plaint schedule property having an extent of 89.786 cents in Sy.nos. 77/11-2, 77/10 and 77/1. The plaintiff has not raised any claim over the property comprised in Sy.No. 77/3. As per the Commission report dated 12.12.2023, the property in Sy.no. 77/3 was measured and found to be 1 acre and 29 cents. The petitioner/second defendant is the Tahsildar of Cherthala Taluk. However, they have not produced any revenue record to rebut the measurements shown in the survey sketch. Interestingly, the second defendant had produced an

attested copy of OM sketch in this case for execution of the work by the Commissioner and Surveyor. Hence, I find that the petition is devoid of any merit.

As a result, IA is dismissed. No costs.

(Pronounced by me in the open Court on this day the 03rd day of December, 2025)

Sd/-

Rovin Rodrigues

Principal Munsiff

Appendix: - Nil

Sd/-

Principal Munsiff

/True Copy/

Principal Munsiff

*Typed by :jc
Comp by :ra*

Fair Copy of Order in
IA No.11/25in O.S.455/2016
Dated: 03.12.2025