

**IN THE COURT OF THE ADDITIONAL MUNSIFF, CHERTHALA**

**Present: Sri. Mahesh. M., Additional Munsiff**

**Friday, the 19<sup>th</sup> day of December, 2025 / 28<sup>th</sup> Agrahayanam, 1947.**

**I.A No.04/2025 in O.S. No.710/2024**

(Filed on 16-08-2025)

**Petitioner/ Plaintiff:-**

N. Asokakumar,

Aged 70 years, S/o. late N. Kesavan Nair, Kamalasadnam,

Vayalar East, Cherthala now permanently residing at

Manayath House, BMRA, 106, Balakrishna Menon Road,

Edapply. P.O. Pin: 682024, Chuttupadu Kara, Edapply North

Village, Kanayannoor Taluk, Ernakulam District, Kerala

State.

***By Adv.T.R.Ramanathan, Adv.N.Ratheesh,***

***Adv.Lakshmi Ramanath and Adv.Silpa.M.U***

**Respondents/ Defendants :-**

1. Union Government of India

Represented by the Secretary to Government, Surface

Transport Ministry, New Delhi, 110001.

2. The Secretary

Ministry of Road Transport and Highways, Transport Bhavan,

Parliament Street, New Delhi, 110001.

3. The National Highway Authority of India

Represented by its Chairman, New Delhi, 110001.

4. The State of Kerala

Represented by the Principal Secretary to the Government,

Public Works (C) Department, Government Secretariat,

Thiruvananthapuram, 695024.

5. District Collector, Alappuzha (Arbitrator)  
Appointed under the Provisions of Arbitration and Conciliation Act (1996), Civil Station, Alappuzha, 688001.
6. The Special Deputy Collector and Competent Authority  
L.A. (N.H) Alappuzha, Civil Station, Alappuzha. 688001.
7. The Special Tahsildar  
L.A (N.H) Unit III, Cherthala, Alappuzha District, 688524.
8. Deputy Director of Survey and Land Records  
Collectorate, Civil Station, Alappuzha, 688001.
9. Assistant Director of Survey and Land Records,  
Vazhuthacadu, Neyyar Road, Thiruvananthapuram. 695014.
10. Assistant Director  
Resurvey, Chengannoor, Alappuzha District, 689121.
11. Resurvey Superintendent  
Survey and Land Records, Mini Civil Station, Cherthala  
Taluk, Alappuzha, 688001.
12. The Executive Engineer  
Public Works Department, Roads Division, Alappuzha  
District, 688001.
13. The Tahsildar  
Taluk Office, Cherthala, Alappuzha District, 688524.
14. The Tahasildar (Land Records) Cherthala  
Taluk Office, Cherthala, Alappuzha District, 688524.
15. The Village Officer  
Pattanakkad Village, Pattanakkad. P.O. Cherthala, Alappuzha  
District, 688531.

***By Addl. Government Pleader***

This petition having been finally heard on 19-12-2025 and the Court on the same day passed the following.

**ORDER**

This is a petition filed by the plaintiff under O. XXVI Rule 9 of Code of Civil Procedure for deputing a commissioner for local investigation.

2. The averments of the Petitioner in support of the application are that, the suit is filed for fixation of boundary and permanent prohibitory Injunctions. Hence for effective adjudication of the case, the properties in question has to be measured out as per the queries in the application. Hence the queries in the commission application needs to be ascertained.

3. No objection was filed from the side of respondents.

4. Heard.

5. Perused the records. I am satisfied with the grounds stated in the application. For the effective disposal of the case the matters sought in the present application needs to be ascertained. I believe that the same will indeed help to elucidate the matters in dispute.

6. In the result, this petition is allowed. Advocate R.Renjith is appointed as the Commissioner and Sri.V.S.Ajithkumar is appointed as the surveyor. Batta of Advocate commissioner is fixed at Rs.3500/- and Surveyors batta at Rs.2500/-. On receiving warrant of commission, the Adv. Commissioner shall visit the subject matter properties as early as possible. The commissioner shall ascertain the matters sought in the application. Further the Commissioner is directed to

give notice to the parties before making inspection and if it is not possible for the Commissioner to give notice, he must state that fact in the report. Commissioner shall also mention in the report the way the attempt was made to give notice to the parties before inspection. **The advocate commissioner and surveyor shall make sure that the plan contains all the essential requirements as per the dictum laid down by the Hon'ble High Court of Kerala in Sabu V Sasi (2022(2) KHC 435).**

*(Dictated to the Confidential Asst. transcribed and typed by her, corrected by me and pronounced in open court on this the 19<sup>th</sup> day of December, 2025.)*

Sd/-  
MAHESH.M  
ADDITIONAL MUNSIFF

**APPENDIX : Nil**

Sd/-  
ADDITIONAL MUNSIFF