

IN THE COURT OF THE MUNSIFF, PERUMBAVOOR

Present:- Smt. Sumey Chandran, Civil Judge (Junior Division)

Saturday, the 03rd day of January, 2026/ 13th Pousha 1947

I A. 01/2024 in OS.471/2015

Petitioners/Plaintiff:-

- 1 Santhosh, S/o. Paulose, Thombra House,
Vengola Kara, Vengola Village.
 - 2 Binoy, S/o. Alias, Thiruthumali House,
Vengola Kara, Vengola Village.
- By Adv. P T Geevarghese

Respondents/Defendants:-

- 1 Velappan, S/o. Kittu, Thottappattu House,
Pulluvazhi Kara, Rayamangalam Village.
 - 2 Baiju, S/o. Velappan, Thottappattu House,
Pulluvazhi Kara, Rayamangalam Village.
 - 3 Ramdas, S/o. Sivasankaran, Elavumkudy House,
Valayanchirangara P O, Vengola Kara, Vengola Village.
- R1, R2 - By Adv. M G Jayachandran
R3 - By Adv. K M Alias

This petition having been finally heard before me on 03/01/2026 and the court on the same day passed the following:-

O R D E R

1. This is a petition filed by the plaintiff seeking to remit the report filed by the Commissioner.
2. The petitioner is the plaintiff in the suit, which is one for declaration of right, mandatory injunction and permanent prohibitory injunction. The second defendant is stated to be a neighbouring property holder. In the course of the suit, at the instance of the plaintiff, a Commission was issued with the assistance of the Taluk Surveyor for measurement and preparation of plan. The application was allowed and the Advocate

Commissioner, along with the Taluk Surveyor, conducted inspection and submitted report. In the report, it is stated that effective measurement and refixation of boundaries could not be completed for want of necessary subdivision plan and relevant Field Measurement Book (FMB) sketches. It is further reported that the old FMB relating to Survey No. 372/1 of Rayamangalam Village was not produced, nor was the FMB relating to Survey No. 110/20 produced. In the absence of those records, the survey boundaries could not be properly re-fixed. The Commissioner has specifically stated that unless the concerned subdivision plan, ladder sketch and FMB extracts are produced, accurate measurement is not possible.'The petitioner contends that there were earlier proceedings before the Hon'ble High Court in W.P.(C) No. 31369/2011, pursuant to which measurement was directed to be conducted by the Director of Survey and Land Records, and that certain reports were submitted before the District Collector. According to the petitioner, the present inability to measure is on account of non-availability of subdivision plan in the Taluk office, and therefore an opportunity is sought to produce the necessary documents.

3. The respondent has filed objection contending that the petition is not maintainable and at the time of inspection the plaintiff failed to produce necessary title deeds and survey records. It is also contended the Commission cannot be repeatedly remitted without sufficient cause and the petitioner is attempting to protract the proceedings. It is also contended that if any Government land, thodu (water channel) or puramboke is involved, the same must be measured strictly on the basis of official survey records and not on the basis of possession.
4. Heard both sides.

5. The only point that arise for consideration is:- Whether the petition is allowable?
6. **The point:-** The report of the Commissioner clearly discloses that measurement could not be completed for want of relevant FMB sketches and subdivision plan. In a suit of this nature, where declaration and injunction are sought based on identity and boundary of property, proper measurement with reference to survey records is essential for effective adjudication. When the Commissioner himself reports that measurement was not possible due to non-production of basic survey documents, the Court cannot ignore the same and proceed without affording an opportunity to cure the defect. At the same time, it is evident that the plaintiff, who sought the Commission, was under obligation to make available all necessary documents at the time of inspection. The failure to do so has resulted in incomplete execution of the warrant. Therefore, any further opportunity must be conditional and time-bound. In the circumstances, this petition is allowed subject to the following conditions:-
 1. The plaintiff shall, within 30 days from the date of receipt of this order, produce before the Commissioner and the Taluk Surveyor the relevant subdivision plan, ladder sketch and certified copies of the FMB relating to Survey No. 372/1 and Survey No. 110/20, and any other connected survey records necessary for identification of A, B and C schedule properties. Upon such production, the Commissioner shall proceed with measurement strictly with reference to official survey records and submit a supplementary report and plan within the time to be fixed by this Court.
 2. The plaintiff shall remit a further sum of ₹5,000/- towards Commissioner's additional remuneration and ₹4,000/- towards surveyor's batta within the

same period of 30 days. If the plaintiff fails to produce the above documents and remit the batta within the time stipulated, this petition shall stand closed and no further opportunity shall be granted.

Dictated to the confdl.asstt., transcribed and typed by her, corrected and pronounced by me in open court on this the 3rd day of January, 2026.

Sd/-
SUMEY CHANDRAN.
Civil Judge (Junior Division)

Appendix:-Nil

Id/-
Civil Judge (Junior Division)
(By Order)

// True Copy //

Junior Superintendent

Typed by: jav
Compd by : PKS

Copy of Order in
IA 01/24 in OS 471/2015
Dated : 03/01/2026