

DEVAN RAMACHANDRAN, J.

W.P.(C) No.30567 OF 2021

Dated this the 12th day of January, 2022

ORDER

Read order dated 23.12.2021.

Sri.Dinesh Rao – learned Standing Counsel for the Kerala Rail Development Corporation Limited (KRDCL), submitted that more than 2834 stones have already been laid by his client, pursuant to the survey being conducted for the purposes of the proposed 3rd and 4th Railway Line through Kerala. He added that the afore interim order of this Court is now being obeyed and that stones, which conform to the standards under Rule 3 of the Kerala Survey and Boundaries Rules, 1964 (Rules for short), alone are now being installed.

2. However, Sri.O.V.Maniprasad – learned counsel for the petitioners, pointed out that no survey stone can be installed by the KRDCL, but only by the competent Survey Officer; and that too, following the procedure under the “Rules” and thus, prayed that the “offending stones” already installed be removed.

3. Since Sri.Dinesh Rao and the other learned counsel for the respondents seek time to have this matter heard in detail, I deem it appropriate to adjourn it to be called on 20.01.2022 along with WP(C)

No.351 of 2022.

4. Until the next posting date, any survey stone shall be laid in Kerala only as per the provisions of the Kerala Survey and Boundaries Act and Rules thereunder; and only by the Authority, who are competent to do so. The specification of the stones shall also be as per the "Rules"; and I direct to the KRDCCL to inform this Court what they propose to do with the 2834 stones, which they have already installed, which, *prima facie*, appears not to be in conformity with the specifications mentioned in the Rules.

5. This Court deems it necessary to remind all stakeholders that if a Project as mentioned by them is to be taken forward – and which appears to be of proportions that are rather large – it has to be done implicitly as per the dictates of law and following every statutory prescription, which alone can give it any legitimacy in future .

I request the Assistant Solicitor General of India to appear in the next posting date since the inputs of the Union of India in this regard will be of great value.

Sd/-
DEVAN RAMACHANDRAN,
JUDGE

DEVAN RAMACHANDRAN, J.

W.P.(C) No.975 of 2022

Dated this the 12th day of January, 2022

ORDER

The learned Assistant Solicitor General of India, appearing for the 1st respondent; Sri.Dinesh – learned Standing Counsel for the 4th respondent; Sri.Dinesh Rao – learned Standing Counsel for the 3rd respondent and the learned Special Government Pleader – Sri.T.B.Hood appearing for respondents 2, 5, 6 and 7 seek time to obtain instructions.

2. The petitioners have, in this writ petition, raised an objection as to the manner in which the survey is now being done, pursuant to Ext.P7 notification. The contention of Sri.P.A.Mohammed Shah – their learned counsel, is that the survey stones cannot be placed within the property of an individual, but only on the boundaries, going by Section 6 of the Kerala Survey and Boundaries Act; and therefore, that the present action being taken forward by the 3rd respondent is illegal and unlawful.

3. I do not propose to speak on the afore contentions at this stage, but make it clear that any action being taken forward by the Authorities and by the 3rd respondent will be subject to further orders from this Court.

List on 20.01.2022.

Sd/-

**DEVAN RAMACHANDRAN,
JUDGE**

SAS/12.01.2022