

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

RP.No. 949 of 2014 (M)

WP(C) 2125/2013 OF THIS HONOURABLE COURT.
.....

REVIEW PETITIONER/5TH RESPONDENT:

**JAISON M.K., S/O.MARKOSE K.P,
AGED 38 YEARS, KUNNATHUMATATHIL HOUSE,
ULIKKAL P.O, VAYATHUR VILLAGE, KANNUR - 670 631.**

BY ADV. SRI.M.S.UNNIKRISHNAN

RESPONDENT(S)/RESPONDENTS:

- 1. GEORGE, S/O.PAULOSE,
AGED 53 YEARS, MUNDAKKATTU HOUSE,
KADAKKANATTU KARA, MAZHUVANOOR VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.**
- 2. DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM - 682 030.**
- 3. REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, ERNAKULAM - 686 661.**
- 4. VILLAGE OFFICER,
MAZHUVANOOR, ERNAKULAM - 686 669.**
- 5. ADDITIONAL TAHSILDHAR,
KUNNATHUNADU, ERNAKULAM - 682 308.**

**R1 BY ADV. SRI.BECHU KURIAN THOMAS
R2 TO R4 BY SENIOR GOVT. PLEADER SRI.M.A.FAYAZ**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.MUHAMED MUSTAQUE, J.

.....
R.P.No.949 of 2014

in

WP(C).No. 2125 of 2013
.....

Dated this the 5th day of February, 2015.

ORDER

The Review Petitioner is the 5th respondent in W.P(C)No.2125 of 2013. According to the review petitioner, larger extent of 82 cents originally belonged to late Mariam, wife of Easo pappy as per Sale deed No.1793 of 1102 of Aikranadu Sub Registrar Office. After the death of Mariam, the property devolved upon her children, Mariyamma Mundakkatt and Paulose. Thus Mariyamma became entitled to 41 cents of property and the Paulose entitled to 41 cents of the property.

2. The writ petition is essentially related to the transfer of registry of the property claimed by the writ petitioner. The writ petitioner, based on Ext.P1 sale deed claimed right over 44.20 ares of property and mutation was effected in his favour. Thereafter 5th respondent raised objection claiming that he owns 15 cents of land. Based on the objection of the 5th respondent mutation

has been cancelled. Challenging that decision, the writ petitioner approached this court. This Court directed RDO to conduct an enquiry as to identify the property with assistance of Taluk Surveyor.

3. The present grievance of the review petitioner is that the writ petitioner is the owner of the entire property except these 15 cents. Therefore identity of the property has to be found out from the entire 82 cents. The observation in judgment that identity has to be found out whether it form part of 44.20 ares therefore liable to be reviewed.

4. As already observed in the judgment that identity of the property claimed by the 5th respondent has to be found out. Therefore 15 cents of land has to be found out from the entire property situated in Survey No 374/4, Block 46 of Mazhuvannoor Village. The only question there remains is that whether the petitioner has right over any of 15 cents only or as a share based on the assignment made by one of the co-owners. This aspect

has to be adverted by the RDO while conducting the enquiry. The entire exercise has to be done only for the purpose of transfer of the registry and not as a power to determine right of title over the property.

5. Therefore the judgment is reviewed to the limited extent as above directing the RDO to conduct an enquiry to identify the 15 cents claimed by the Review Petitioner.

6. In view of the facts and circumstances, time to comply with the judgment is extended by further period of three months.

The Review Petition is disposed of as above.

smm

**A.MUHAMED MUSTAQUE,
(Judge)**