

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 93 of 2015 (J)

PETITIONER:

**M/S. GECO PROPERTIES PVT. LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
JOBY P GEORGE, S/O.SCARIA GEORGE,
PUNNAKUDITYIL, 35/765 A1,
NORTH JANATHA ROAD, PALARIVATTOM.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT(S):

- 1. THE TAHSILDAR,
KUNNATHUNADU TALUK, KUNNATHUNADU,
ERNAKULAM, PIN-683544.**
- 2. THE VILLAGE OFFICER,
KUNNATHUNADU VILLAGE,
ERNAKULAM, PIN - 683544.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:- TRUE COPY OF RELEVANT PAGES OF SALE DEED NO 4142/2012,
DATED 19/7/2012.
- P2:- TRUE COPY OF RELEVANT PAGES OF SALE DEED NO 5292/2012 ,
DATED 19/9/2012.
- P3:- TRUE COPY OF RELEVANT PAGES OF SALE DEED NO 5335/2012
DATED 20/9/2012.
- P4:- TRUE COPY OF RELEVANT PAGES OF SALE DEED NO 176/2013,
DATED 7/1/2013.
- P5:- TRUE COPY OF RELEVANT PAGES OF SALE DEED NO 1333/2013,
DATED 4/3/2013.
- P6:- TRUE COPY OF APPLICATION DATED 16/7/2013 FOR EFFECTING MUTATION
SUBMITTED BY THE PETITIONER.
- P7:- TRUE COPY OF RECEIPT DATED 17/7/2013 ISSUED BY THE 2ND RESPONDENT
ACKNOWLEDGING RECEIPT OF EXT P6.
- P8:- TRUE COPY OF THE REPRESENTATION DATED 27/8/2014 SUBMITTED BY THE
PETITIONER BEFORE THE DISTRICT COLLECTOR.
- P9:- TRUE COPY OF NOTICE DATED 14/2/2012 ISSUED BY THE DISTRICT
COLLECTOR TO THE PETITIONER.
- P10:- TRUE COPY OF NOTICE DATED 7/11/2013 ISSUED BY THE DISTRICT
COLLECTOR, TO THE PETITIONER.
- P11:- TRUE COPY OF PROHIBITION ORDER DATED 29/4/2013 BY THE
2ND RESPONDENT.
- P12:- TRUE COPY OF REPLY DATED 7/12/2013 FILED BY THE PETITIONER BEFORE
THE DISTRICT COLLECTOR.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.93 of 2015

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the respondents to effect mutation in respect of the property covered by Exts.P1 to P5 and also to carry out necessary changes in the BTR and other Village Records in respect of the properties covered by Exts.P1 to P5 forthwith;

ii) Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the 2nd respondent to accept land tax in respect of the properties covered by Exts.P1 to P5 and also to issue possession certificate to the petitioner in respect of the said properties;

iii) Issue a Declaration, declaring that the proceedings under the provisions of the Act, 2008 do not stand in the way of effecting mutation of the property covered by Exts.P1 to P5 or issuing possession certificate or accepting land tax;

And

iv) To grant such other reliefs as this Hon'ble Court may deem just and fit in the circumstances of the case."

2. The learned counsel for the petitioner submits that, the concerned property was purchased by the petitioner paying valuable sale consideration as borne by Exts.P1 to P5 Sale Deeds of different dates issued by the concerned S.R.O. After

purchasing the properties as above, the petitioner preferred Ext.P6 application dated 16.07.2013 before the 1st respondent for effecting mutation in terms of Transfer of Registry Rules. For verification of the title deeds, the originals were produced, receipt of which stands acknowledged as borne by Ext.P7. Since no action was forthcoming, the petitioner approached the District Collector by filing Ext.P8 representation. Meanwhile, Ext.P11 notice/memo was issued by the 2nd respondent, restraining the petitioner from filling up the land in question, alleging that the property concerned was a 'paddy land' and that such a memo was issued as per the instructions given by the concerned R.D.O. This made the petitioner to prefer Ext.P12 as well before the concerned District Collector, pointing out that the property is not a 'paddy land' or 'wet land' under Act 28 of 2008 and that the land was converted years ago, before the commencement of the said Act. According to the petitioner, there is callous inaction on the part of the petitioner in effecting mutation of the property, which made the petitioner to approach this Court by filing this writ petition.

3. Heard the learned Government Pleader as well, who

submits that the application preferred by the petitioner for effecting mutation will be considered and appropriate orders will be passed within the shortest possible time.

In the said circumstances, the respondents herein are directed to take further steps pursuant to Ext.P6 application preferred by the petitioner for effecting mutation and appropriate orders shall be passed after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

It is made clear that, Ext.P11 issued by the 2nd respondent will not stand in the way of the said respondent in giving effect to the direction as given above.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondents, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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