

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 155 of 2015 (T)

PETITIONER :

**MR. M.V.SUDHEER, AGED 40 YEARS,
S/O.MANIDAS, VARIL HOUSE, VAKKOM.P.O.,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.S.SACHITHANANDA PAI

RESPONDENT(S):

- 1. THE TAHASILDAR,
UDUMBANCHOLA TALUK, NEDUMKANDOM,
IDUKKI DISTRICT. PIN-685 553.**
- 2. THE VILLAGE OFFICER,
BAISONVALLEY VILLAGE OFFICE, BISONVALLEY.P.O.,
IDUKKI DISTRICT. PIN- 685 565.**
- 3. STATE BANK OF TRAVANCORE,
MUNNAR BRANCH, REP. BY ITS MANAGER,
MUNNAR.P.O., PIN-685 612.**

**R1 & R2 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R3 BY SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 155 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- COPY OF THE SALE DEED DATED 26.04.2013 OF S R O RAJAKUMARI.**
- P2- COPY OF THE LETTER DATED 23.10.13 OF THE 2ND RESPONDENT REFUSING TO EFFECT MUTATION.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.155 OF 2015

.....
Dated this the 8th January, 2015

J U D G M E N T

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.155 OF 2015

.....
Dated this the 8th January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus or any other appropriate writ order or direction to the 1st and 2nd respondents to effect mutation in the village records covered by Ext.P1 sale deed in the name of the petitioner.

ii) grant such other relief that this Hon'ble Court deems fit to grant in the circumstances of the case."

2. The property having an extent of 20.23 Ares comprised in Sy.NBo.274/137G of Baison Valley Village, was purchased by the petitioner as per Ext.P1 sale deed. When the petitioner approached the second respondent/Village Officer, for effecting

mutation of the property, the same was refused to be acceded to, stating that the property was mortgaged by the vendor for availing a loan from the third respondent/State Bank of Travancore.

3. Heard the learned Government Pleader as well.

4. It is brought to the notice of this Court that the issue is squarely covered by the decisions rendered by this Court in ***Joseph Kurian vs. Village Officer (2010 (3) KLT 251)***, wherein it has been declared that attachment of property cannot prevent the concerned authority from receiving tax. In ***Thulasibhai v. State of Kerala (2010(4) KLT 215)***, wherein this Court held that, pendency of revenue recovery proceedings is not a ground to deny the request for effecting mutation and that mutation will not have any impact on the revenue recovery proceeding nor will it improve the title of the purchaser.

5. After hearing both the sides, the respondents are directed to consider the application of the petitioner for effecting mutation of the property, which came to his hands by virtue of Ext.P1 Sale Deed and to effect mutation in the relevant records.

The proceedings shall be finalised within 'one month' from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

P.R.RAMACHANDRA MENON
JUDGE

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