

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 179 of 2015 (V)

PETITIONER(S):

**BINU K THOMAS, AGED 40 YEARS
S/O K.C THOMAS, KATTAKKAYAM HOUSE, KOCHATTUMALA
MARKET P.O, MUVATTUPUZHA, ERNAKULAM DISTRICT.**

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF REVENUE, STATE SECRETARIAT,
THIRUVANANTHAPURAM 695001.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM 680032.**
- 3. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA 686661.**
- 4. THE TAHSILDAR,
KOTHAMANGALAM TALUK, KOTHAMANGALAM 686691.**
- 5. THE VILLAGE OFFICER,
KOTHAMANGALAM 686691.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 179 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 TRUE COPY OF THE SALE DEED NO 4064/2014 DATED 04-09-2014 OF
 SRO KOTHAMANGALAM**

EXHIBIT P2 TRUE COPY OF THE TAX RECEIPT

EXHIBIT P3 TRUE COPY OF THE APPLICATION FOR TRANSFER OF REGISTRY

EXHIBIT P4 TRUE COPY OF THE LETTER DATED 22-12-2014

EXHIBIT P5 TRUE COPY OF THE APPLICATION DATED 22-12-2014

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.179 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

The petitioner purchased a property having an extent of 02.83 Ares in Survey No.954/1 of the S.R.O., Kothamangalam covered by Ext.P1 Sale Deed bearing No.4064/2014. The application preferred by the petitioner for effecting mutation as per Ext.P3 was turned down as per Ext.P4 issued by the 2nd respondent, stating that a crime was registered against the vendor, who executed Ext.P1 Sale Deed in favour of the petitioner at the instance of the predecessor-in-title by name one Dr. Antony. Though the petitioner approached the respondents 4 and 5 by filing Ext.P5, referring to the sequence of events and to grant the relief sought for, it has not yielded any positive result and hence the writ petition.

2. Heard the learned Government Pleader as well.

3. The materials on record clearly reveal that the property was purchased by the petitioner from a person by name

Chitharenjan, for valid consideration as evidenced from Ext.P1. In fact, the property was being enjoyed by the vendor also satisfying tax after effecting mutation, as evident from Ext.P2 tax receipt. It is the said title that has been passed on to the petitioner as per Ext.P1 and as such, the petitioner is having every right to get the land mutated, effecting the Transfer of Registry under the Transfer of Registry Rules. Registration of the crime bearing No.2725/14 against the vendor at the instance of the predecessor-in-title cannot place a bar or hurdle in granting reliefs to the petitioner.

In the said circumstances, Ext.P4 is set aside and the respondents are directed to reconsider Ext.P3 application and to do the needful for causing the mutation to be effected in terms of Transfer of Registry Rules and to accept the tax from the petitioner as and when the same tendered, which exercise shall be completed at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this 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**

sp