

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. 362 of 2015 (U)

PETITIONER(S):

**NISHAD, AGED 28 YEARS
S/O.VATTAPPARAMBIL MUHAMMEDKUTTY, HOUSE NO. 11/672
KADAVALLLOOR GRAMA PANCHAYAT, THIPPILASSERY DESOM,
PERUMBILAVU VILLAGE, THALAPPILLY TALUK,
THIPPILASSERY P.O., THRISSUR DISTRICT, PIN - 680 519,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER MUHAMMEDKUTTY
S/O.VATTAPPARAMBIL VAPPU, HOUSE NO. 11/672,
KADAVALLLOOR GRAMA PANCHAYAT, THIPPILASSERY DESOM
PERUMBILAVU VILLAGE, THALAPPILLY TALUK,
THIPPILASSRY P.O., THRISSUR DISTRICT, PIN - 680 519.**

**BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE DISTRICT COLLECTOR
THRISSUR, PIN - 680 001.**
- 3. TAHSILDAR,
THALAPPILLY TALUK, THRISSUR DISTRICT, PIN - 680 001.**
- 4. THE SUB REGISTRAR
ERUMAPPETTY SUB REGISTRAR OFFICE, THRISSUR
PIN - 680 584.**

BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M.

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

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** TRUE COPY OF THE SALE DEED DATED 02/07/2008 REGISTERED AS DOCUMENT NO. 1861 OF 2008 OF SRO ERUMAPPETTY.
- EXT.P2:** TRUE COPY OF THE BASIC TAX RECEIPT DATED 20/06/2014 ISSUED BY THE VILLAGE OFFICER, KASARAGOD.
- EXT.P3:** TRUE COPY OF THE POSSESSION CERTIFICATE BEARING NO. 2939/2014 ISSUED BY THE VILLAGE OFFICER, KADANGOD VILLAGE TO THE PETITIONER.
- EXT.P4:** TRUE COPY OF THE PATTA NO. 57/1970 DATED 28/02/1970 ISSUED BY THE SPECIAL TAHSILDAR, LAND ASSIGNMENT, THALAPPILLY.
- EXT.P5:** TRUE COPY OF THE LETTER BEARING NO. B5-37245/2014 DATED 07/07/2014 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P6:** TRUE COPY OF THE LETTER BEARING NO. B-5/14/2014 DATED 18/07/2014 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P7:** TRUE COPY OF THE SALE DEED DATED 21/06/2014 EXECUTED BY THE PETITIONER IN FAVOUR OF AMITY SECURITIES PRIVATE LIMITED, DOOR NO. 370A, PADINJATTUM MURI DESOM, KADANGOD VILLAGE, THALAPPILLY TALUK REPRESENTED BY ITS MANAGING DIRECTOR MR.P.K.JALEEL, S/O.POKKILLATHU KUNJI BAVA, WEST VILLA, CHIYYARAM VILLAGE, CHIYYARAM DESOM, THRISSUR TALUK.
- EXT.P8:** TRUE COPY OF JUDGMENT DATED 05/11/2014 IN W.P.(C) NO. 27573 OF 2014 PASSED BY HON'BLE HIGH COURT OF KERALA.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.362 OF 2015
.....

Dated this the 15th January, 2015

J U D G M E N T

The petitioner is the owner of 40.47 ares of land comprised in Sy.No.539/98/1/5 of Kadangodu village . He purchased the said property from one Nabeesa . As per the conditions of Ext.P4 patta, (which covers the property), the property shall not be alienated for a period of five years, which is already over since Ext.P4 is dated 28.02.1970. Therefore there is no embargo in alienating the property. The case of the petitioner is that when the document was presented, the registering authority/4th respondent (Sub Registrar) refused to register the document referring to some proceedings with respect to the property, in violation of the conditions of Patta. The learned Counsel for the petitioner asserts that the petitioner has not violated the conditions of Patta.

2. Heard the learned Government Pleader as well.

3. The matter is relating to registration of an instrument. Considering the facts and figures, there will be a direction to the 4th respondent/Sub Registrar to register the original of Ext.P4 on

its presentation in accordance with law, which will be subject to any proceedings initiated for revocation/cancellation of patta, if at all any violation of conditions is involved.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 4th respondent/Sub Registrar for further steps.

**P.R.RAMACHANDRA MENON
JUDGE**

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