

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 443 of 2015 (E)

PETITIONER(S):

**ABBAS, AGED 43 YEARS,
S/O.MOIDU, CHENGANATH HOUSE, PONANI P.O.,
MALAPPURAM DISTRICT, PIN - 679 580.**

**BY ADVS.SRI.M.I.JOHNSON
SRI.T.K.MOIDEENKUTTY**

RESPONDENT(S):

- 1. THE SUB REGISTRAR, PONANI,
MALAPPURAM DISTRICT, PIN - 679 580.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 023.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-01-2015 ALONG WITH WP(C) NO.456/2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 443 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1:-TRUE COPY OF THE DOC NO 1846/1997 OF SRO PONANI.

**EXT. P2:-TRUE COPY OF THE DOCUMENT PRESENTED BEFORE THE
IST RESPONDENT FOR REGISTRATION DTD 7/12/2014 EXECUTED BY
SAHEERA IN FAVOUR OF THE PETITIONER.**

**EXT. P3:-TRUE COPY OF THE MEMO DTD 23/12/2014 ISSUED BY THE
IST RESPONDENT.**

**EXT. P4:-TRUE COPY OF THE JUDGMENT DTD 2/9/2014 OF THIS HON'BLE COURT IN
WPC NO 23146/2014.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 443 and  
456 of 2015

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Dated, this the 7th day of January, 2015

JUDGMENT

The petitioner in W.P.(C) No. 443 of 2015 has approached this Court with the following prayers :

- (a) Issue appropriate writ declaring that the objection noted by the 1st respondent by way of Exhibit P3 is not legally sustainable.
- (b) Issue a writ of certiorari or any other appropriate writ, order or direction, directing the 1st respondent to register Ext. P2 sale deed dated 07.12.2014 executed by Sheera in favour of the petitioner on presentation for registration.
- (c) Costs of this petition may be awarded to the petitioner;
- (d) Grants such other reliefs as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

Almost similar prayers have been raised in W.P.(C) No. 456 of 2015 as well.

2. The grievance of the petitioners is with regard to non registration of Ext. P2 document presented by the petitioners before the first respondent, referring to description of the property as

'nilam'. The learned counsel for the petitioners submits that in an exactly similar circumstance, this Court has directed the registering authority to cause registration of the concerned document, making it clear that, it is for the Revenue Authorities to ascertain the nature and topography of the concerned land while effecting mutation, as per Ext. P4 verdict in W.P.(C) No. 23146 of 2014.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petitions are disposed of, directing the first respondent to cause of registration of Ext. P2 document [in both the cases], in accordance with law, if the same is otherwise registrable, in tune with the relevant provisions of the Registration Act/Rules.

The petitioners shall produce a copy of this judgment along with copy of the concerned writ petition before the first respondent for further steps.

sd/-

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

kmd