

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 769 of 2015 (U)

PETITIONER(S) :

**VISWANATHAN, AGED 60 YEARS,
S/O.KUNHUNNI NAMBIAR, NETHIATH PUTHANKALATHIL,
CHALISSERY POST, PALAKKAD DISTRICT.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN**

RESPONDENT(S) :

- 1. DISTRICT REGISTRAR,
OFFICE OF THE DISTRICT REGISTRAR, CIVIL STATION,
PALAKKAD-678 001.**
- 2. SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR, THRITHALA,
PALAKKAD DISTRICT, PIN-679 534.**
- 3. VINAYA, AGED 44 YEARS,
W/O.MOHANDAS, KARUVANPURAICAL, CHAZHIYATTIRI DESOM,
PATTAMBI TALUK, PALAKKAD DISTRICT, PIN-676 535.**

**R1 & R2 BY SR.GOVERNMENT PLEADER SRI.MOHAMMED SHAFI.M
R3 BY ADVS. SMT.C.S.GEETHU
SRI.S.NIKHIL SANKAR
SRI.SHYAMDEEP S.SHENOY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** TRUE COPY OF THE SALE DEED NO.6239/2012 DATED 15/11/2012 OF THRITHALA SRO, EXECUTED BY THE 3RD RESPONDENT IN FAVOUR OF THE PETITIONER.
- EXT.P2:** TRUE COPY OF THE ORDER DATED 02/12/2014 IN W.P.(C).NO.2359/2014 OF THIS HONOURABLE COURT AND ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT UNDER RIGHT TO INFORMATION ACT.
- EXT.P3:** TRUE COPY OF THE SALE DEED WHICH WAS SUBMITTED BEFORE THE 2ND RESPONDENT FOR THE PURPOSE OF REGISTRATION DATED 31/12/2014 BY THE PETITIONER AND ONE SIDDIQUE.
- EXT.P4:** TRUE COPY OF THE REPRESENTATION DATED 01/01/2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P5:** TRUE COPY OF THE OBJECTION SLIP NO.1/2015 DATED 05/01/2015 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON J.

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Dated, this the 23rd day of January, 2015

JUDGMENT

The grievance of the petitioner in this writ petition is with regard to the refusal on the part of the second respondent to register the original of Ext. P3 sale deed executed by the petitioner in favour of one Mr. Siddique. The case of the petitioner is that the property was purchased by him, as per Ext. P1 sale deed bearing No. 6239 of 2012 of the S.R.O, Thrithala, from the 3rd respondent herein. The petitioner was enjoying the property with absolute rights ever since then. Because of the pressure of circumstances, the property was sought to be conveyed to one Mr. Siddique for valuable sale consideration and Ext. P3 sale deed was executed. When the said document was taken for registration, it was not acceded to, stating that, some interruption was made by this Court with regard to the registration to be effected and Ext. P5 objection slip was served to the petitioner. This made the petitioner to approach this Court by filing the present writ petition.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent.

3. The learned counsel for the 3rd respondent points out that the said respondent was compelled to execute sale deed under threat, coercion and other fraudulent circumstance. It is contended that, in order to defeat the rights and interests of the said respondent, the property is now intended to be conveyed to another person, as evident from Ext. P3. It is also stated that the said person, to whom the property is now intended to be transferred, is not impleaded in the party array and that the relief sought for by the petitioner is not liable to be entertained.

4. The learned counsel for the petitioner submits that, when the 3rd respondent approached this Court by filing W.P.(C) No. 32359 of 2014 seeking to direct the concerned Sub Register to consider the grievance as to the conveyance already effected and also to serve a copy of the deed, the writ petition was disposed of, as per the judgment dated 02.12.2014, with respect to the contention raised that there was a chance to oust the petitioner from the property before the concerned Civil Court was approached. It was in the said circumstances, that the concerned Sub Registrar was directed not to effect transfer of sale of the property concerned for a period of **'ten days'**, simultaneously

directing the first respondent therein (Sub Registrar) to issue certified copy of the sale deed No. 6239/2012 to the petitioner (3rd respondent herein) within three days. The said period is already over. The learned counsel for the 3rd respondent submits, on instructions stated as received over telephone, that no civil suit has been filed by the said respondent so far.

5. In the above circumstances, this Court finds that no valid resistance can be made by the 3rd respondent in causing the original of Ext. P3 deed to be registered. Accordingly, 2nd respondent is directed to cause registration of the original of Ext. P3 document as and when presented, on satisfying the requirements in accordance with the relevant provisions of law. It is, however, made clear that this will not bar the way of the 3rd respondent in pursuing other appropriate remedy, including by approaching the Civil Court, if at all aggrieved of the consequences resulted because of execution of the relevant deeds/conveyances, in accordance with law. It is also made clear that, if at all any civil suit is already filed, the above conveyance of course will be subject to the result of the civil suit.

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

The Writ Petition is disposed of.

Sd/-

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

kmd