

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 988 of 2015 (W)

PETITIONER(S):

**GEORGE JOSEPH,
S/O.JOSEPH, MOOLAVEL HOUSE, KAINAKARY
AATTUVATHALA, KUTTANAD THALUK,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.K.S.RAJESH
SRI.M.SHAJU PURUSHOTHAMAN**

RESPONDENT(S):

- 1. THE TAHSILDAR
TALUK OFFICE, KUTTANAD, ALAPPUZHA DISTRICT
PIN 688501.**
- 2. THE VILLAGE OFFICER
KAINAKARY VILLAGE, P.O.PUTHENCHIRA,
ALAPPUZHA DISTRICT
PIN 688506.**

BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1:** TRUE COPY OF THE SALE DEED NO.1739/2011 DATED 24.06.2011.
- EXHIBIT-P2:** TRUE COPY OF THE RECEIPT DATED 25.7.2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P3:** TRUE COPY OF THE COMMUNICATION DATED 6.3.2012 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P4:** TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DT.20.12.13.
- EXHIBIT-P5:** TRUE COPY OF THE COMMUNICATION DATED 28.4.2014 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 988 of 2015

Dated this the 11th day of February, 2015

JUDGMENT

The petitioner has purchased the property having an extent of 61.63 Ares as per sale deed No. 1739/2011 dated 24.06.2011 of Pulikunnu Sub Registry. The petitioner submitted necessary application before the 2nd respondent for effecting mutation in terms of the Transfer of Registry Rules satisfying the application fee as borne by Ext.P2 dated 25.7.2011. The request made by the petitioner was turned down by the 2nd respondent as per Ext.P3 dated 6.3.2012 stating that all the legal heirs are not shown in Ext.P1 title deed. This made the petitioner to approach the 1st respondent by filing Ext.P4 which however is still to be acted upon. In the meanwhile, the petitioner was let known as per Ext.P5 dated 28.4.2014, issued by the 2nd respondent, reiterating the stand that, the request for effecting mutation cannot be considered for want of legal heirs in the party array.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader.

3. Whether there is any other legal heir in the party array or whether persons mentioned in Ext.P5 are entitled to have right over the property is not a matter to be considered by the 2nd respondent and for that reason, the Transfer of Registry cannot be refused to the effected as it has to be effected strictly in terms of Transfer of Registry Rules. If at all anybody is having right over the property, it is open for the party to take appropriate action in accordance with law. This is more so since the mutation by itself cannot create or divest the title upon anybody in view of various decisions rendered by this Court on many an occasion.

4. In the said circumstance, there will be a direction to the respondents herein to take further steps for causing the mutation to be effected in the name of the petitioner herein, subject to satisfaction of other legal requirements, if any. It is made clear that, merely for the reason that the mutation has been effected in favour of the petitioner, this by itself will not create any additional right to the petitioner and this shall be without prejudice to the rights and liberties of the others concerned, particularly those who are mentioned in Ext.P5, if at all they are

having any right or interest over the property concerned. The writ petition is disposed of as above.

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

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

kp/-