IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 5355 of 2009 (L)

PETITIONER :

BASHEER KUTTY,
AGED 42 YEARS,VAYALIL PUTHEN PARAMPIL,
ERUVA MURI, PUTHIYOOR VILLAGE
KAYAMKULAM, ALAPPUZHA DISTRICT.

BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ABHILASH AKBAR
SRI.T.B.SIVAPRASAD

RESPONDENT(S) :
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. TAHSILDAR,
KUNNATHUR TALUK.

3. VILLAGE OFFICER,
MYNAGAPPALLY VILLAGE,
KUNNATHUR TALUK.

4. NAUSHAD,
S/O.JALALUDDEEN KUNJU,
KANDATHIL HOUSE,
SOUTH MYNAGAPPALLY MURI,
MYNAGAPPALLY VILLAGE.

5. SABEENA,
W/O.NAUSHAD, KANDATHIL HOUSE,
SOUTH MYNAGAPPALLY MURI,
MYNAGAPPALLY VILLAGE.

R1 TO R3 BY GOVT. PLEADER SRI. MANOJ P. KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

WP(C).No. 5355 of 2009 (L)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1	:	COPY OF THE SALE DEED 10-6-2008 REGISTERED AS DOCUMENT NO. 1730 OF 2008 OF SRO, KARUNAGAPPALLY.
EXT.P2		COPY OF THE NOTICE DATED 28-10-2008 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. Vinod Chandran, J

W.P.(C).No.5355 of 2009-L

Dated this the 27th day of July, 2015

JUDGMENT

The petitioner was before this Court claiming mutation of the property and acceptance of basic tax with respect to 4.23 ares of land conveyed to him as per Exhibit P1. However, the applications were not considered by the revenue authorities for reason of there being an attachment in a suit filed before the Munsiff's Court, Karunagappally.

2. The order of attachment is said to have been passed subsequent to the purchase of the property and its registration. In such circumstance, if the order of attachment was passed subsequent to the petitioner's purchase, then necessarily mutation can be effected as also tax accepted. Even if the same is before the purchase, the liability would run with the property and the subsequent purchaser would be liable for such amounts sought to be realised on the basis of the attachment, which would be regulated by the final judgment and decree in the suit. In such circumstance, looking

at every angle, the mutation and acceptance of tax have to be made *dehors* the fact that the attachment is made even prior to the purchase. The mutation shall be effected within three weeks from the date of production of a certified copy of this judgment.

The writ petition is disposed of as above. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]