

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 4881 of 2015 (I)

PETITIONERS:

1. LATHAMANI, AGED 39 YEARS
W/O UNNIKRIISHNAN, NO.52
WARD NO.6, MALA GRAMA PANCHAYATH, ELAMKUTTIYIL HOUSE
VADAKKUMBHAGOM VILLAGE, MUKUNDAPURAM TALUK
ASHTAMICHIRA PO, THRISSUR DISTRICT PIN-680 731
2. SUJA, AGED 28 YEARS
W/O SUNIL, VELAPARAMBIL
H.NO.362 B/V OF MALA GRAMA PANCHAYATH
VADAKKUMBHAGOM VILLAGE, MUKUNDAPURAM TALUK
ASHTAMICHIRA PO, THRISSUR DISTRICT, PIN-680 731
3. ANOOP, AGED 25 YEARS
S/O. AYYAPPANKUTTY
H.NO. 108/VI OF MALA GRAMA PANCHAYATH, GRATHOLIL
ANNALLOOR VILLAGE, MUKUNDAPURAM TALUK, ANNALLOOR PO
THRISSUR DISTRICT
4. VINI, AGED 29 YEARS
W/O SUNIL, CHERUPARAMBIL
H.NO.94 A/V OF ALOOR GRAMA PANCHAYATH, KOMBIDINJIMAKKAL
THAZHEKKAD PO, MUKUNDAPURAM TALUK, THRISSUR DISTRICT
PIN-680 697
5. KAVITHA, AGED 29 YEARS
W/O. MAIJU, NARYATTIL, H.NO. 135/9
KODAVATHUYKUNNU DESOM, KURUVILASSERRY VILLAGE
MUKUNDAPURAM TALUK, KOTTAMURI PO, THRISSUR DISTRICT
6. SUJITH, AGED 30 YEARS
S/O. SUKUMARAN, H.NO.753/3, VADAMA PO
MUKUNDAPURAM TALUK, THRISSUR DISTRICT

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
THRISSUR 681 009

2. VILLAGE OFFICER,
THAZHEKKAD VILLAGE OFFICE, MUKUNDAPURAM TALUK
THRISSUR DISTRICT 681009
3. TAHASILDAR, MUKUNDAPURAM TALUK OFFICE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT 681 009

R BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 4881 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE SALE DEED NO.1083/2014 OF SUB REGISTRAR'S
OFFICE, KALLETUMKARA DATED 13.3.2014

EXT.P2; TRUE COPY OF THE SALE DEED NO. 1010/2014 OF SUB REGISTRAR'S
OFFICE, KALLETUMKARA DATED 10.3.2014

EXT.P3: TRUE COPY OF THE SUB DEED NO. 1084 OF 2014 OF SUB REGISTRAR'S
OFFICE, KALLETUMKARA DATED 10.3.2014

EXT.P4: TRUE COPY OF THE SALE DEED NO.1011 OF 2014 OF SUB REGISTRAR'S
OFFICE, KALLETUMKARA DATED 10.3.2014

EXT.P5: TRUE COPY OF THE SALE DEED NO.1198 OF 2014 OF SUB REGISTRAR'S
OFFICE, KALLETUMKARA DATED 20.3.2014

EXT.P6: TRUE COPY OF THE SALE DEED NO.1197/1 OF 2014 OF SUB
REGISTRAR'S OFFICE, KALLETUMKARA DATED 20.3.2014

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No. 4881 of 2015

Dated this the 26th day of February, 2015.

JUDGMENT

The petitioners herein are the owners of the property, having obtained the title by virtue of Exts.P1 to P6 sale deeds executed on different dates before the Sub Registrar Office, Kallettumkara. Ever since the execution of such sale deeds, the petitioners are enjoying the property with absolute ownership, exclusive possession and clear and marketable title. When the petitioners approached the second respondent for effecting mutation in terms of the Transfer of Registry Rules, the same was refused to be acceded to, referred to pendency of some civil cases. The case of the petitioners is that, absolutely no civil dispute is there involving the right of the petitioners over the property herein and that, the civil suit is in respect of some other cause of action, as explained in the writ petition. Since the attempt made by the petitioners to have the grievance redressed has become futile, the

petitioners are having no other alternative remedy and hence this writ petition.

2. The learned Government Pleader submits on instruction that the properties concerned herein comprised in relevant survey numbers are of course in the area and jurisdiction of the second respondent. But there is a change with regard to the concerned Taluk, by virtue of bifurcation of Mukundapuram Taluk. As on date, the property comes within the Chalakudy Taluk and necessary instructions have been obtained in this regard from the Tahasildar, Chalakudy Taluk.

3. The learned Government Pleader also points out that the request made by the petitioners to effect mutation in respect of the property concerned herein, could not be acceded to, because of the violation of the provisions of the Kerala Land Utilization Order. It is however added that, the property is not included as a paddy land or wet land in the Data Bank Register. Be that as it may, the said stand cannot place any hurdle with regard to the request made by the petitioners to effect mutation, in so far as there is no dispute with regard to

the title, ownership or possession. Mutation is only a procedure whereby the transfer of Registry is effected in terms of Transfer of Registry Rules and further, mutation by itself cannot declare or divert the title upon anybody.

In the above circumstance, there will be a direction to the second respondent to consider the application preferred by the petitioners for effecting mutation of the properties covered by Exts. P1 to P6 and to do necessary steps, so as to effect the mutation in terms of the Transfer of Registry Rules and to enable the petitioners to satisfy the tax in respect of the above property under the Kerala Land Tax Act. The proceedings as above shall be finalized at the earliest, at any rate, within 'two weeks' from the date of receipt of a copy of this judgment. 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 second respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE

Scl.