

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. 5000 of 2015 (Y)

PETITIONER:

PAZHAYAKATH NAJBUDHEEN, AGED 33 YEARS
S/O.PAZHAYAKATH KOYAKUTTY, PAZHAYAKATH HOUSE
NEDUVA AMSOM DESOM, TIRURANGADI TALUK
MALAPPURAM DISTRICT.

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENTS:

1. THE TAHASILDAR, TIRUR
TIRUR (P.O.), PIN - 676 101, MALAPPURAM DISTRICT.
2. THE VILLAGE OFFICER NEDUVA
NEDUVA VILLAGE, NEDUVA (P.O.), TIRURANGADI TALUK
MALAPPURAM DISTRICT.

R BY GOVERNMENT PLEADER SRI. K.C. VINCENT

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. 5000 of 2015 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: A TRUE COPY OF THE DOCUMENT NO. 116/2014 OF S.R.O.
PARAPPANANGADI DATED 07/01/2014.

EXT.P2: A TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER DATED
07/01/2014.

EXT.P3: A TRUE COPY OF THE REMINDER LETTER ISSUED TO THE 1ST
RESPONDENT WITH ACKNOWLEDGMENT DUE DATED 16/01/2015.

EXT.P4: A TRUE COPY OF THE REMINDER LETTER ISSUED TO THE 2ND
RESPONDENT WITH ACKNOWLEDGMENT DUE DATED 16/01/2015.

RESPONDENT(S) ' EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

SCL.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No. 5000 of 2015

Dated this the 26th day of February, 2015.

JUDGMENT

The petitioner has purchased the property having an extent of 11.223 cents in Re-Survey No.234/1 of Neduva Amsom Desom in Neduva Village as per Ext.P1 sale deed dated 7.1.12014. After purchasing the property, the petitioner submitted Ext.P2 application before the second respondent for effecting mutation in terms of Transfer of Registry Rules. Despite sending Exts.P3 & P4 reminders, no action is being taken and hence the writ petition.

2. Heard the learned Government Pleader as well.

3. The learned counsel for the petitioner points out that the petitioner has been given to understand that the mutation is not effected due to some attachment over the property. The factual position is sought to be disputed by the petitioner, however adding that, even if any attachment is there, it cannot be a bar for effecting mutation in view of the

law declared by this Court as per the decision reported in **Thulasibhai v. State of Kerala (2010 (4) KLT 215)**.

In the said circumstance, there will be a direction to the second respondent to consider and finalize Ext.P2 application stated as preferred by the petitioner for effecting mutation. The proceedings as above shall be finalised in accordance with law, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the respondents for further steps. The writ petition is disposed of.

**Sd/-
P.R. RAMACHANDRA MENON
JUDGE**

Scl.