

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 5300 of 2014 (J)

PETITIONER :

**ST. FRANCIS XAVIOUR ASSOCIATION (REG. NO.ER 98)
EDAKATTUVAYAL, VELIYANADU P.O., PIN-682319
ERNAKULAM DISTRICT
REPRESENTED BY ITS PRESIDENT C.V. RAGHAVAN.**

BY ADV. SRI. K. KESAVANKUTTY

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, MINISTRY OF REVENUE
SECRETARIATE, THIRUVANANTHAPURAM.**
- 2. THE REVENUE DIVISIONAL OFFICER/SUB COLLECTOR,
FORT KOCHI P.O., PIN-682 001, ERNAKULAM DISTRICT.**
- 3. THE DISTRICT COLLECTOR
COLLECTORATE, KAKKANAD P.O.,
PIN – 682 030, ERNAKULAM.**
- 4. TAHSILDAR,
KANAYANNUR TALUK, ERNAKULAM-682016.**
- 5. ADDL.TAHSILDAR,
KANAYANNUR TALUK, ERNAKULAM-682016.**
- 6. THE VILLAGE OFFICER,
VILLAGE OFFICE, EDAKKATTUVAYAL P.O., PIN-682319
ERNAKULAM DISTRICT.**
- 7. RAJAN,
S/O.KOTHAKULATHIL MADHAVAN, 'KARIMALAYIL HOUSE'
EDAKKATTUVAYAL P.O., ARAKKUNNAM (VIA), ERNAKULAM DISTRICT
PIN-682319.**
- 8. SHAKUNTHALA RAJAN,
W/O.RAJAN, 'KARIMALAYIL HOUSE', EDAKKATTUVAYAL P.O.,
ARAKKUNNAM (VIA), ERNAKULAM DISTRICT, PIN-682319.**

**R1 TO R6 BY GOVT. PLEADER SRI. MANOJ P. KUNJACHAN
R7 & R8 BY ADV. SRI.SHAJI THANKAPPAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 COPY OF THE REGISTRATION CERTIFICATE DATED 25.04.2009 ISSUED UNDER THE TRAVANCORE-COCHIN LITERACY AND SCIENTIFIC CHARITABLE SOCIETIES ACT,1995 ISSUED BY THE DISTRICT CO-OPERATIVE REGISTRAR(GENERAL), ERNAKULAM IN FAVOUR OF THE PETITIONER ASSOCIATION.
- EXT.P2 COPY OF THE REGISTERED SALE DEED DATD 27.5.1981 (DOCUMENT NO.1233/1981 SRO PIRAVOM) EXECUTED BY C.V. NARAYANANKUTTY IN FAVOUR OF THE PETITIONER.
- EXT.P3 COPY OF THE BASIC TAX RECEIPT (LAND REVENUE TAX) DATED 18.7.2011 FOR 2011-2012 ISSUED BY 6TH RESPONDENT IN FAVOUR OF THE PETITIONER.
- EXT.P4 COPY OF THE CERTIFICATE DATED 16.12.1982 ISSUED BY THE DY. DIRECTOR FOR SECRETARY, KERALA KHADI AND VILLAGE INDUSTRIES BOARD,THIRUVANANTHAPURAM IN FAVOUR OF THE PETITIONER.
- EXT.P5 COPY OF THE LOAN STATEMENT DATED 23.7.2012 ISSUED BY PROJECT OFFICER, KHADI AND VILLAGE INDUSTRIES OFFICE, ERNAKULAM.
- EXT.P6 COPY OF THE CERTIFICATE DATED 29.11.2012 ISSUED BY THE MANAGER, FEDERAL BANK LTD., PIRAVOM IN FAVOUR OF THE PETITIONER.
- EXT.P7 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 2.8.2011 BEFORE 6TH RESPONDENT FOR EFFECTING 'POKKUVARAVU' (MUTATION) IN RESPECT OF THE PROPERTY OWNED BY THE PETITIONER ASSOCIATION.
- EXT.P8 COPY OF THE REPRESENTATION DATED 2.8.2011 SUBMITTED BY THE PETITIONER BEFORE 2ND RESPONDENT.
- EXT.P9 COPY OF THE JUDGMENT DATED 22.06.2012 IN WP(C). NO.5063 OF 2012 OF THIS HON'BLE COURT.
- EXT.P10 COPY OF THE ORDER DATED 3.12.2012 OF THE 2ND RESPONDENT.
- EXT.P11 COPY OF THE SKETCH DATED NIL PREPARED BY 5TH RESPONDENT.
- EXT.P12 COPY OF THE ORDER DATED 24.6.2013 OF 3RD RESPONDENT.
- EXT.P13 COPY OF THE PETITION DATED 6.3.2013 SUBMITTED BY THE PETITIONER BEFORE 4TH RESPONDENT.
- EXT.P14 COPY OF THE PETITION DATED 6.3.2013 BY THE PETITIONER BEFORE 4TH RESPONDENT.

(Contd...)

- EXT.P15 COPY OF THE APPLICATION DATED 7.3.2013 SUBMITTED BEFORE 4TH RESPONDENT.
- EXT.P16 COPY OF THE APPLICATION DATED 28.11.2013 SUBMITTED BY THE PETITIONER ASSOCIATION BEFORE THE 3RD RESPONDENT FOR EFFECTING POKKUVARAVU (MUTATION) IN RESPECT OF THE PROPERTY OWNED BY HIM.
- EXT.P17 COPY OF THE ACKNOWLEDGMENT/CIRCULAR OF THE 3RD RESPONDENT FOR HAVING RECEIVED EXHIBIT P16 APPLICATION FOR EFFECTING 'POKKUVARAVU' (MUTATION) IN RESPECT OF THE PROPERTY OWNED BY HIM.
- EXT.P18 COPY OF THE CERTIFICATE OF ENCUMBRANCE OF THE PROPERTY DATED 21.4.2014 ISSUED BY THE SUB REGISTRAR OFFICE (SRO), PIRAVOM IN FAVOUR OF THE PETITIONER.
- EXT.P19 COPY OF THE JUDGMENT IN OS NO. 994/2012 ON THE FILE OF THE IST ADDITIONAL MUNSIF, ERNAKULAM DATED 26.9.2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.5300 of 2014

Dated this the 7th day of December, 2015

JUDGMENT

The petitioner claims to be the owner and in possession of an extent of 1 Are and 62 sq.m. (4 cents) in Re-survey No.98/5 in Block No.663 of Edakkattuvayal Village of Kanayannur Taluk in Ernakulam District. The petitioner has approached this Court on account of delay in effecting transfer of registry.

2. It appears that the petitioner approached this Court in an earlier occasion by filing W.P.(C) No.5863/2012. Pursuant to the directions of this Court, the District Collector directed the Tahsildar to survey and demarcate the land and accept basic tax.

In such circumstances, this Court is of the view that the 5th respondent-Additional Tahsildar shall complete the survey of the property claimed by the petitioner in the light of the directions of the District Collector and based on the outcome of the survey and

demarcation, transfer of registry shall be effected in favour of the petitioner. Thereafter, based on the identification, necessary tax shall be accepted and possession certificate also shall be issued.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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