

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 5663 of 2014 (G)

PETITIONER(S):

1. K.M.THOMAS, S/O.MATHAI, AGED 63 YEARS,
MUTHALAKUZHAY HOUSE, MELAMPARA KARA,
THALAPPALAM VILLAGE, PLASSANAL P.O.,
MEENACHIL TALUK, KOTTAYAM DISTRICT.
2. ELIZABETH BIJO, W/O.BIJO BABU, AGED 31 YEARS,
PAINGOTTU HOUSE, POOVATHOLI P.O.,
KARIKKATTOOR KARA, MANIMAL VILLAGE.

BY ADV. SRI.P.C.HARIDAS

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO THE DEPARTMENT
OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE TAHSILDAR OF MEENACHIL, PALA-686 575.
3. THE ADDITIONAL TAHSILDAR, MEENACHIL, PALA-686 575.
4. THE VILLAGE OFFICER, POONJAR THEKKEKARA,
POONJAR, MEENCHIL TALUK, KOTTAYAM DISTRICT-686 581.
5. GEORGE SEBASTIAN, S/O.A.D.SEBASTIAN,
ARAYATHINL HOUSE, PATHAMPUZHA KARA,
POONJAR THEKKEKARA VILLAGE, MEENCHIL TALUK,
KOTTAYAM DISTRICT-686 581.
6. JAISON JOSEPH, S/O.SCARIA, KULAMACKAL HOUSE,
IRUMPARA KARA, MELUKAVU VILLAGE,
MEENACHI TALUK-686 581.
7. DR.SEBSTAIN, S/O.DEVASIA, ARAYTHINKAL HOUSE,
THEKKEKARA MURI, PATHAMPUZHA P.O.,
POONJAR THEKKEKARA VILLAGE-686 581.

**R1 TO R4 BY GOVT. PLEADER SRI.MANOJ P.KUNJACHAN
R5 BY ADV. SRI.C.P.SAJI
R7 BY ADV. SMT.K.V.BHADRA KUMARI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. TRUE COPY OF SALE DEED NO.499/2013 OF POONJAR SRO.
- EXHIBIT P2. TRUE COPY OF SALE DEED NO.727/2013 OF POONJAR SRO.
- EXHIBIT P3. TRUE COPY OF SALE DEED NO.662/2008 OF POONJAR SRO.
- EXHIBIT P4. TRUE COPY OF THE COMMUNICATION DATED 19/3/2013 ISSUED FROM THE FAMILY COURT, KOTTAYAM AT ETTUMANOOR.
- EXHIBIT P5. TRUE COPY OF THE REPRESENTATION DATED 21/5/2013 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.
- EXHIBIT P6. TRUE COPY OF THE REPORT DATED 29/6/2013 OF THE 4TH RESPONDENT.
- EXHIBIT P7. TRUE COPY OF NOTICE OF HEARING DATED 4/09/2013.
- EXHIBIT P8. TRUE COPY OF AUTHORIZATION DATED 4/9/2013 GIVEN BY THE 2ND PETITIONER.
- EXHIBIT P9.(2 IN NOS).TRUE COPIES OF THE STATEMENT GIVEN BY THE PETITIONERS BEFORE THE 3RD RESPONDENT DATED 4/9/2013.
- EXHIBIT P10. TRUE COPIES OF THE FORM-I.
- EXT.P10(A). TRUE COPY OF THE OBJECTION FILED BY THE 5TH RESPONDENT BEFORE THE 2ND RESPONDENT.
- EXHIBIT P11. TRUE COPY OF THE PLAINT IN OS NO.115/2013 ON THE FILES OF THE SUB COURT, PALA.
- EXHIBIT P12. WRITTEN STATEMENT FILED BY THE PETITIONERS IN EXT.P11 SUIT.
- EXHIBIT P13. TRUE COPY OF THE JUDGMENT DATED 7.7.2014 IN OS.NO.115/2013 ON THE FILES OF THE SUB COURT PALA.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P(C). No.5663 of 2014

Dated this the 5th day of August, 2015.

JUDGMENT

The petitioners are only aggrieved with the non-consideration of an application for mutation. The learned Government Pleader submits that, a suit was pending between the petitioners and respondents 5 to 7. The petitioners submit that, the suit was dismissed for default. The counsel appearing for respondents 5 to 7 submits that, the suit has been restored and the plaintiffs' evidence is also over. In any event, the mutation does not decide the title of the property. The mutation, if at all effected, would be subject to the decision of the Civil Court.

In such circumstances, the application for mutation at Ext.P10 shall be considered expeditiously within a period of one month from the date of receipt of a certified copy of this

judgment. Needless to say, such mutation will be subject to the result of the suit and if respondents 5 to 7 obtain favourable orders, then the respondents could seek for any rectification on the basis of such judgment and decree.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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