

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 5660 of 2015 (F)

PETITIONER(S):

**PREDEEP ALEX, AGED 37 YEARS
VAYALUNKAL HOUSE, PUNALUR, KOLLAM DISTRICT.**

**BY ADVS.SRI.V.PREMCHAND
SRI.V.TEKCHAND**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, KOLLAM,
PIN-691 013.**
- 2. THE VILLAGE OFFICER, KARAVALOOR,
MATHRA PO, KOLLAM DISTRICT, PIN-691 305.**

BY SRI K.C.VINCENT, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 5660 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : COPY OF THE SALE DEED DATED 24-04-2013 EXECUTED IN FAVOUR
OF THE PETITIONER.**

**EXT P2 : COPY OF THE APPLICATION DATED 02-02-2015 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

**EXT P3 : COPY OF THE COMMUNICATION DATED 03-02-2015 ISSUED BY THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P.R. RAMACHANDRA MENON, J.

W.P.(C).No.5660 of 2015

Dated this the 5th day of March, 2015

JUDGMENT

The petitioner purchased a property having an extent of 4 Are and 5 Square Metre in Survey No.174/1/39 in Karavalloor Village as per Ext.P1 sale deed dated 24.04.2013 for valuable sale consideration and is enjoying the same with absolute ownership, exclusive possession and clear marketable title. After the purchase as above, the petitioner has approached the 2nd respondent by filing Ext.P2 application dated 02.02.2015 for effecting mutation in terms of Transfer of Registry Rules. The same is refused to be acceded to as per Ext.P3 communication to the effect that some attachment has been ordered by a Civil Court and further that there some recovery proceedings under the Revenue Recovery Act are pending.

2. The learned counsel for the petitioner submits that the alleged mitigating circumstance as let known to the petitioner is not correct or sustainable.

3. Heard the learned Government Pleader as well.

4. The legal position has been made clear by this Court on

many an occasion, to the effect that mutation is only a procedure whereby entries have to be effected in the relevant revenue records in terms of the Transfer of Registry Rules and that mutation by itself cannot confer or divest title. As per the decision reported in **Thulasibhai v. State of Kerala [2010 (4) KLT 215]**, it is made clear by this Court that the pendency of the revenue recovery proceedings shall not be a bar in effecting mutation.

5. In the above circumstance, Ext.P3 will stand set aside and there will be a direction to the 2nd respondent to reconsider Ext.P2 application and effect mutation subject to satisfaction of other requirements in law and enable the petitioner to satisfy the land tax under the Kerala Land Tax Act in respect of the property covered by Ext.P1 as and when the same is tendered. The proceedings as above shall be completed at the earliest at any rate within one month .

The petitioner shall produce a copy of this judgment alongwith a copy of the writ petition to the 2nd respondent for further steps.

SD/-
P.R. RAMACHANDRA MENON,
JUDGE