

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. 6120 of 2015 (L)

PETITIONER(S):

**MOHAMMED ILLYAS, AGED 43 YEARS,
S/O. MOIDEENKUTTY, PULIKKAVEETIL HOUSE, PONANI P.O.,
MALAPPURAM DISTRICT, PIN-679 577.**

**BY ADVS.SRI.M.I.JOHNSON
SRI.T.K.MOIDEEN KUTTY**

RESPONDENT(S):

- 1. THE SUB REGISTRAR, PONANI,
MALAPPURAM DISTRICT, PIN - 679 577.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 023.**

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:**

msv/

WP(C).No. 6120 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE DOC NO. 3454/1986 OF SRO PONANI.

**EXHIBIT P2- TRUE COPY OF THE DOCUMENT PRESENT BEFORE THE
1ST RESPONDENT FOR REGISTRATION DATED 7-2-2015 EXECUTE BY
MR. UNNIKRISHNAN FAVOUR OF THE PETITINER AND MRS. BABY.**

**EXHIBIT P3- TRUE COPY OF THE MEMO DATED 19-2-2015 ISSUED BY THE
1ST RESPONDENT.**

**EXHIBIT P4- TRUE COPY OF THE JUDGMENT DATED 07-01-2005 IN WPC NO. 443
OF 2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No. 6120 of 2015

Dated this the 26th day of February, 2015.

JUDGMENT

The petitioner has approached this Court, mainly with the following prayers:

(a) Issue appropriate writ declaring that the objection noted by the 1st respondent by way of Exhibit P3 is not legally sustainable.

(b) Issue a writ of certiorari or any other appropriate writ, order or direction directing the 1st respondent to register the Exhibit P2 sale deed dated 7.2.2015 executed by Mr. Unnikrishnan in favour of the petitioner.

(c) Costs of this petition may be awarded to the petitioner.

2. The grievance of the petitioner is with regard to non registration of Ext.P2 document presented by the petitioner before the first respondent, referring to description of the property as 'nilam'. The learned counsel for the petitioner submits that in an exactly similar circumstance, this Court has directed the registering authority to cause registration of the concerned document, making it clear that, it is for the Revenue

Authorities to ascertain the nature and topography of the concerned land while effecting mutation, as per Ext.P4 verdict in W.P.(C) No.23146 of 2014.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the first respondent to cause registration of Ext.P2 document forthwith, in accordance with law, if the same is otherwise registrable, in tune with the relevant provisions of the Registration Act/Rules.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE

Scl.