

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 6340 of 2015 (N)

PETITIONER(S):

**NARAYANAN,
S/O.SANKARAN, AMBILIYIL HOUSE, OORAMANA P.O.,
MEMURY VILLAGE - 686 663, MUVATTUPUZHA TALUK.**

BY ADV. SRI.M.V.PAULOSE

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM, COLLECTORATE, COCHIN-682 030.**
- 2. THAHSILDAR,
MUVATTUPUZHA-686 673.**
- 3. THE VILLAGE OFFICER,
MEMURY VILLAGE, RAMAMANGALAM - 686 663.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 6340 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1-A PHOTO COPY OF A DEED NO.604/2008 OF SRO PIRAVOM.

**EXT. P2-PHOTO COPY OF THE ENCUMBRANCE CERTIFICATE DATED 30-05-08 OF
SRO PIRAVOM.**

**EXT. P3-A PHOTO COPY OF THE STATEMENT RECEIVED FROM WELFARE FUND
INSPECTOR THODUPUZZHA NO.ESTT:/B1/RTI/14-15/6033 DT 23-12-2014.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.6340 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

Refusal on the part of the concerned respondent for effecting mutation of the property covered by Ext.P1, referring to the pendency of Revenue Recovery proceedings, made the petitioner to approach this Court for immediate intervention.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader as well.

3. During the course of hearing, the learned counsel for the petitioner submits that the petitioner is no way liable or responsible for the alleged Revenue Recovery proceedings and that the said property does not form actually part of the recovery proceedings as aforesaid. It is also pointed out that, even if any Revenue Recovery proceedings are pending, the right to get mutation effected in terms of the Transfer of Registry Rules is in no way adversely affected, because of the said proceedings, in

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

4. In the said circumstances, there will be a direction to the 3rd respondent to effect mutation in respect of the property covered by Ext.P1 in favour of the petitioner, in terms of the Transfer of Registry Rules, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp