

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 6370 of 2015 (U)

PETITIONER(S):

1. **A.G. MADHAVAN,
S/O. LATE GOPINATHAN, AGED 39 YEARS,
MANAGING DIRECTOR, NILA METALS (P) LTD.,
HAVING ITS REGISTERED OFFICE AT 513/49,
STADIUM BYPASS ROAD, AKSHAYA FOUNDATION,
NEAR TRINITY EYE CENTRE, PALAKKAD -678 001.**
2. **V.C. PRADEEP, S/O. I.N. PRABHAVATI,
AGED 58 YEARS, RESIDING AT PAZHYANNUR RUBBER ESTATE,
THALAPPILLY TALUK, PAZHYANNUR VILLAGE, THRISSUR.**
3. **REMA PRADEEP, W/O V.C. PRADEEP,
AGED 53 YEARS, RESIDING AT PAZHYANNUR RUBBER ESTATE,
THALAPPILLY TALUK, PAZHYANNUR VILLAGE, THRISSUR.**

BY ADV. SRI.C.P.MOHAMMED NIAS.

RESPONDENT(S):

1. **ADDITIONAL TAHSILDAR,
THALAPPILLY, THRISSUR DISTRICT- 680 504.**
2. **VILLAGE OFFICER,
PAZHAYANNUR VILLAGE,
THRISSUR DISTRICT- 680 587.**
3. **REVENUE DIVISIONAL OFFICER,
THRISSUR DISTRICT -680 003.**

BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE PROJECT REPORT IN RESPECT OF THE CRUSHER UNIT TO BE ESTABLISHED BY NILAMETALS PRIVATE LIMITED.
- EXHIBIT P2 TRUE COPY OF THE DOCUMENT NO.477/1/2014 OF THE PAZHAYANNUR S.R.O LIMITED.
- EXHIBIT P3 TRUE COPY OF THE REPORT DATED 23-12-2014 OF THE 2ND RESPONDENT.
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 28-01-2015 PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE TAX RECEIPT DATED 18-03-2013 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF SMT. RAMA PRADEEP.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.6370 of 2015

Dated this the 27th day of February, 2015.

JUDGMENT

The petitioner has approached this Court with the following prayers:

(i) Issue a writ in the nature of *certiorari*, or any other appropriate writ, order or direction quashing Ext.P4 order of the 1st respondent.

(ii) Issue a writ in the nature of *mandamus*, or any other appropriate writ, order or direction commanding the 2nd respondent to effect mutation of the property as sought for by the petitioner in his application dated 26.2.2014.

(iii) In the alternative to permit the petitioner to prefer an appeal to the 3rd respondent against the order of the 1st respondent, and further, issue a writ in the nature of *mandamus*, or any other appropriate writ, order or direction commanding the 3rd respondent to consider and pass orders on any appeal filed by the petitioner expeditiously, and within an outer time limit to be fixed by this Hon'ble Court."

2. Heard the learned Senior Government Pleader as well.

3. It is seen that the main challenge is against Ext.P4

order passed by the first respondent, whereby the request made by the petitioner to effect mutation in terms of the Transfer of Registry Rules, has been turn down. It is also seen that the said order is an appealable one, by virtue of Rule 18 of the Transfer of Registry Rules.

In the said circumstance, the petitioner is relegated to move the third respondent by way of necessary proceedings. If any such appeal is filed, within 'two weeks' from the date of receipt of a copy of this judgment, the same shall be considered and appropriate orders shall be passed in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

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

Sd/-
P.R. RAMACHANDRA MENON
JUDGE

Scl.